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ABSTRACT

The manual is intended to support the Oklahoma State Plan for Special Education by establishing minimum standards for program approval, for determination of pupil eligibility, and for appropriate programming within the least restrictive environment. After delineating responsibilities of state and local agencies, the following programmatic aspects are addressed: child identification; parental involvement; surrogate parents; category definitions, state regulations and class size; general information (e.g., children's ages, length of school day, discipline, grading, and teacher certification); least restrictive environment; confidentiality procedures; service delivery procedures; evaluation; speech and language; learning disabilities; physical impairments; categorical eligibility; Individualized Education Programs; related services; paraprofessionals; and removal from special education. The following topics are also covered: transportation of handicapped children; augmentive communication devices; early childhood services; regional service centers; state and federal funding; special services; personnel development; due process; and program monitoring. Twenty-five special education and special services sample forms are also provided. The text of selected Oklahoma state laws for special education is also given. (DB)

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OKLAHOMA

Policies and Procedures For Special Education

EC 300096

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POLICIES AND PROCEDURES MANUAL

FOR SPECIAL EDUCATION IN OKLAHOMA

Oklahoma State Department of Education
Gerald E. Hoeltzel, State Superintendent of Public Instruction

1991

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KEY TO ACRONYMS

CFR	-	Code of Federal Regulations
CSPD	-	Comprehensive System of Personnel Development
DHS	-	Department of Human Services
EDGAR	-	Education Department General Administrative Regulation
EHA	-	Education of the Handicapped Act
EHA-B	-	Education of the Handicapped Act - Part B
EIU	-	Early Intervention Unit
FAPE	-	Free Appropriate Public Education
FERPA	-	Family Education Rights and Privacy act
IEP	-	Individualized Education Program
IFSP	-	Individual Family Service Plan
IWRP	-	Individualized Written Rehabilitation Plan
LD	-	Learning Disabilities/Learning Disabled
LEA	-	Local Education Agency
LRE	-	Least Restrictive Environment
OCR	-	Office of Civil Rights
OSEP	-	Office of Special Education Programs
RESC	-	Regional Education Service Center
SDE	-	State Department of Education
SEA	-	State Education Agency

I. INTRODUCTION

The policies and procedures contained in this document assure all handicapped children residing in Oklahoma the right to a "free, appropriate public education" as mandated by Public Law 94-142 and amendments. Each agency responsible for a handicapped child's individualized education program will abide by state and federal regulations. Agencies having this responsibility are: local public school districts, state supported institutions, private schools (which are accredited according to state standards) and hospital schools. Other private school programs for handicapped children residing within the jurisdiction of one of the above public agencies shall be provided services by that public agency.

This manual is a support document to the State Plan for Special Education. Its purpose is to establish minimum standards for program approval, for determination of pupil eligibility and for appropriate programming within the least restrictive environment. (Note: Minimum, not optimum, standards are being addressed. A school district or agency may establish criteria exceeding standards. However, at no time may a school district or agency establish criteria less than the minimum standards.)

II. RESPONSIBILITY OF STATE AND LOCAL EDUCATION AGENCIES

State

The Special Education Section was created by the State Board of Education to provide leadership in establishing and expanding services for handicapped children throughout the state. It monitors for compliance and ensures that appropriated funds serve their intended purpose. Educational programs for handicapped children must meet education standards of the state, as well as applicable federal requirements. Responsible public agencies in Oklahoma will be informed of these state and federal requirements and successful special education practices through ongoing efforts of the State Department of Education. The services of the Special Education Section include:

1. Providing overall leadership and direction as outlined in the Oklahoma State Plan for Special Education;
2. Monitoring for compliance;
3. Evaluating effectiveness of special education programs;
4. Allocating special education funds;
5. Collecting and reporting information;
6. Processing complaints and requests for due process hearings;
7. Promoting inservice training for special service providers and parents; and
8. Providing technical assistance.

Local Education Agencies

Each local education agency must submit to the State Department of Education a district plan containing specific assurances of how all eligible handicapped children in the district will have access to "free, appropriate public education." This plan must follow the state plan, state and federal laws and regulations, and be approved by the Special Education Section of the State Department of Education.

The local education agency is responsible for all exceptional children who are legal residents of the district. Independent school districts are responsible for ages 0-21. Dependent schools have the responsibility for ages 0 through the highest grade level of the school. Responsibility for the educational program for a handicapped student leaving a dependent school is assumed by the independent district receiving the child (the same as a nonhandicapped student) if the dependent school is in the independent school's transportation area. If the child is transferred outside the transportation area, the dependent school retains responsibility for special services and puts the child on their child count roster.

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A local education agency may fulfill these responsibilities by:

1. Directly providing special education for such children;

2. Joining in a cooperative program with another district or districts to provide special education for such children;

3. Joining in a cooperative program with a private or public institution within such district to provide special education for children who are deaf or hard-of-hearing, or for children who are blind and partially blind; or

4. Transferring handicapped children to other school districts which accept them and provide special education for such children, with the district in which the child resides paying tuition.

Given the department of education philosophy that special education is an integral part of regular education, all service delivery systems must offer the following possible placements ranging from the least restrictive (maximum opportunity for contact with nonhandicapped children) to the most restrictive (least contact with nonhandicapped children).

1. Regular classes

2. Special classes

   a. Resource/lab

   b. Self-contained

3. Special separate schools

4. Home instruction

5. Institutions/hospitals

Each district must make an annual comprehensive survey to determine the number and type of children who (as district residents) are in need of special services. The survey must also include children not enrolled in school. Records and documentation must be maintained showing methods used in the survey. Such methods could include: newspaper articles; radio or television spot announcements; brochures and other printed information distributed throughout the district; and school personnel at meetings (such as civic clubs, etc.).

Assurances are made that all handicapped children will be served in facilities comparable to those facilities for nonhandicapped children and that all handicapped children be educated with nonhandicapped children to the maximum extent appropriate.

Local school systems are encouraged to develop their programs around the needs of children and not force students into inflexible programs. While emphasizing the philosophy of "least restrictive environment," the reality of the special needs of handicapped children must be considered when designing their educational program. Each placement recommendation should emphasize opportunity for development with minimum failure.

Each public agency shall establish and document procedures for determining program effectiveness, to be completed at least annually.

Each handicapped child must be afforded the opportunity to participate in the regular physical education program available to nonhandicapped children, unless the child needs specially designed physical education as prescribed in the child's individualized education program or is enrolled full-time in a separate facility.

On December 1 of each year, each district shall conduct a count of handicapped children (child count) and report the data to the Special Education Section. This count must be unduplicated and documentation must be obtained that ensures the following children are *not* counted:

1. Handicapped children who have been evaluated by a public agency but are not receiving special education or related services on December 1, as required by 34 CFR 300.751.

2. Handicapped children who are not enrolled in a school program operated or supported by a public agency as required by 34 CFR 300.753.

3. Handicapped children who are not provided special education and related services that meet state standards as required by 34 CFR 300.753.

It is the responsibility of the local education agency to see that all necessary forms are *completed* and *signed*.

Each local education agency must maintain a master list of all handicapped children and youth (ages 0-21) who are residents of their district. The list should include the child's name, age, and disability. The child's present educational placement should be noted (e.g., local program, transferred, state school, private school, etc.).

Records related to grant funds and/or compliance must be kept for a minimum of 5 years. This includes, but is not limited to, the child count master list, application for funds, CSPD records, etc.

III. ORGANIZATION OF PROGRAMS

A. Child Identification (Public Awareness, Child Find)

Child identification includes the components of public awareness and child find, as defined:

Public Awareness: The provision of information aimed at improving the public's understanding of handicaps, handicapping conditions, and appropriate services provided to meet the needs of individuals with handicapping conditions.

Child Find: An ongoing system which exists for the purpose of identifying, locating, and evaluating individuals from birth through 21 years of age with established or suspected handicapping conditions.

Policy

Each school district shall identify, locate, and evaluate those handicapped individuals from birth through 21 years of age, within its district, who are in need of special education and related services.

The policy for identification, location, and evaluation of handicapped individuals (0-21) is under the administration of the Oklahoma State Department of Education. Local school districts in collaboration with other public and community agencies at the county or local level will locate and identify individuals with established or suspected handicapping conditions. The population will include in-school and out-of-school handicapped individuals from birth through 21 years of age. The population

will also include handicapped individuals from birth through 21 years of age who attend public and private schools, agencies, and state institutions.

Compliance with the child identification policy regulation is strengthened by sanctions of federal funds appropriated for the handicapped in various agencies and programs. Procedures for complaint resolution or disputes between agencies are established at the state level and utilize existing clarification routes for legal interpretation through the state attorney general's office and governmental relations process.

Procedure

The need for special education and related service shall be determined by the following documented procedures as assured in the local district plan:

1. Each school district shall establish, maintain, and further develop an ongoing child identification process in collaboration with parents, health and social service agencies to inform persons about the state and federal programs for handicapped individuals in *each of these respective agencies.*

2. The process of communicating and disseminating the child identification program shall be conducted in a systematic and documented manner. This process shall emphasize an awareness of handicapping causes and conditions as well as the appropriate procedures for *accessing* services to identify eligible handicapped individuals from birth through 21 years of age. Included in this process should be the position/title of the most appropriate individual(s) to contact for information on accessing services.

   The child identification process should include at least 1 type of documentation from 2 of the 3 following activities:

   a. ONGOING advertisements, news releases, and feature articles in newspapers and agency newsletters;

   b. MONTHLY advertisements, news releases, spot announcements, interviews on radio or television, and/or other public forum; and/or

   c. MAINTAINED placement of posters or referral post cards placed in public places (e.g., doctors' offices, pharmacies, community stores, laundromats, libraries, hospitals) or in mailing (e.g., utility bills, church bulletins); distribution of brochures, newsletters or pamphlets; and/or usage of films, slides, or other video presentations.

   The diversity of both geographic and demographic factors in a given school district requires awareness and sensitivity when choosing the most appropriate types of activities needed to inform the public of the district's child identification process, components, and procedures.

3. Each school district shall develop and maintain a comprehensive multi-agency procedure for formal observation, interviews, and routine interventions that clarify the nature of the suspected handicapping condition(s). (Local agencies who serve handicapped persons shall address new requirements for coordination of public agencies' responsibilities to assure supplemental and nonsupplanting usage of funds in accordance with the Education of the Handicapped Act, Amendments of 1986, Title II, Section 203. The joint agency process will help delineate financial responsibility, encourage team effort, avoid supplanting, and increase the accuracy of diagnosis and effectiveness of intervention.)

4. Each school district shall develop and maintain a procedure for referral and comprehensive evaluation of individuals with observed, substantiated, or screened handicapping conditions.

Included in this procedure shall be the record of the number of referrals and evaluations resulting from the district's child identification process.

5. Under the supervision of the State Department of Education, in-school child identification policies and procedures include periodic and state regulated testing programs which occur prior to first grade, during kindergarten and intermittently throughout the grades to check and recheck growth and development. Ongoing referrals and evaluations are conducted by 21 Regional Education Service Centers and/or public schools or guidance center personnel. Timelines under the procedural safeguard regulations are monitored for the development of individualized education programs and placement following evaluations by qualified examiners.

6. Placement in special education and related services shall follow standards and identification criteria established in state and federal law.

B. Parental Involvement

Parental involvement is an important part of the Education of the Handicapped Act. A parent, guardian, person acting as a parent of a child, or a surrogate parent (appointed in accordance with 34 CFR 300.514) shall be involved in the designing of the educational program for a handicapped child. Appropriate district staff and this person will work together in a team setting throughout the referral, evaluation, and program planning stages. The parent must:

1. Give prior *written* permission for individual evaluation;

2. Receive a list of their rights;

3. Have the evaluation results explained to them and see a copy of the evaluation(s). They may request and receive a copy of all educational evaluations and records of the child at minimum cost;

4. Give prior *written* permission for the total reevaluation of each handicapped child at least every three years, or more often if needed;

5. Give *written* permission for initial placement of the child in the special education program determined most appropriate by the IEP team;

6. Be afforded the opportunity to participate in the development of the IEP and its annual review. Attempts used by each public agency to include parents in meetings for their handicapped child must be in accordance with 34 CFR 300.345 as follows:

   a. Notify parents of the meeting early enough to ensure that they will have an opportunity to attend; and

   b. Schedule the meeting at a mutually agreed upon time and place. The notice used by each public agency to inform parents of these meetings must indicate the purpose, time, location, and who will be in attendance.

   c. If neither parent can attend, the public agency shall use other methods to ensure parent participation, including individual or conference telephone calls.

   d. A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case the public agency must have a *record* of its attempts to arrange a mutually agreed upon time and place. This shall include:

(1) Detailed records of telephone calls made or attempted and the results of these calls;

(2) Copies of correspondence sent to the parents and any responses received; and

(3) Detailed records of visits made to the parents' home or place of employment and the results of those visits.

e. The public agency shall take whatever action is necessary to ensure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is not English.

f. The public agency shall give the parent, on request, a copy of the IEP.

7. Be given *written* notice a reasonable time before the public agency:

a. Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free, appropriate public education to the child; or

b. Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free, appropriate public education to the child.

c. The written notice must include:

(1) A full explanation of all the procedural safeguards available to the parents under Subpart E of federal regulations;

(2) A description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take the action, and a description of any options the agency considered and the reasons why those options were rejected;

(3) A description of each evaluation procedure, test, record, or report the agency uses as a basis for the proposal or refusal;

(4) A description of any other factors which are relevant to the agency's proposal or refusal;

(5) Language understood by the general public;

(6) The native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so;

(7) Steps to ensure the notice is translated orally or by other means to the parent in his or her native language or other mode of communication if the native language or other mode of communication of the parent is not a written language;

(8) Steps to ensure that the parent understands the content of the notice; and

(9) Written evidence that the requirements of (7) and (8) above have been met.

C. Surrogate Parents

Parental involvement is an important provision of the federal regulations for education of handicapped children. The term "parents" is defined to include a child's natural parents, guardians, relatives, or stepparents with whom a child lives, or surrogate parents appointed in accordance with state and federal

requirements. The term "parents" does not include the state or employees of public agencies (e.g., social workers or directors of agencies) if the child is a ward of the state.

When no parent can be identified, the whereabouts of the parents cannot be discovered after reasonable efforts, or the child is a ward of the state, the local education agency or public agency providing educational services shall ensure that the rights of the handicapped child are protected by assignment of a surrogate parent.

Upon determining a handicapped child's need for a surrogate parent, the school district or public agency providing educational services must assign a surrogate parent. A record of surrogate parents assigned to individual handicapped children shall be maintained by the school district or public agency providing educational services. This record shall be maintained in a confidential manner. In addition, a copy of the Surrogate Parents-Verification of Training and Assignment form (SDE Form 14) shall be maintained in the child's confidential special education folder.

Criteria for selection of surrogates include that the persons selected must:

1. Have no interest that conflicts with the interests of the child he or she represents;
2. Have knowledge and skills that ensure adequate representation of the child; and
3. Not be an employee of an agency which is involved in the education or care of the child.

To ensure knowledge and skills, the training of surrogate parents should include:

1. Information regarding state and federal requirements for education of handicapped children;
2. Parents rights and responsibilities;
3. Procedural safeguards and due process;
4. Step-by-step process for delivery of special education services;
5. Structures, procedures, or forms of the educational agency to document procedural safeguards;
6. Information about the nature of the child's disability and needs; and
7. Other information deemed necessary by the educational agency or surrogate parent.

Training of surrogate parents is to be provided by the school districts or responsible educational agencies. When surrogate parents receive training from an agency, written notice of completion of training should be provided and *verified* by the educational agency. The State Department of Education and Regional Education Service Centers provide additional information or materials for surrogate parent training as needed.

Surrogate parents have rights and responsibility to represent the handicapped child in all matters relating to:

1. Identification, evaluation, and educational placement of the child; and
2. Provision of a free appropriate public education for the child.

If an assigned surrogate parent informs the school district that they no longer wish to serve as a child's representative, their request will be honored. A statement to this effect by the surrogate parent or notation on the Surrogate Parents-Verification of Training and Assignment form (SDE Form 14) could be made to document this action. Upon resignation by a surrogate parent, another trained surrogate parent will be assigned to the child and the prior assignment will no longer be applicable.

The educational agency must ensure that surrogate parents perform their responsibilities, remain free from conflict of interest, and take no actions that might be harmful to the child. If an assigned surrogate parent fails to perform the necessary duties or no longer meets the selection criteria, the agency may seek resignation or removal of assignment as surrogate parent. Disagreements about surrogate parent assignments may be subject to due process hearing procedures, if necessary.

Parent authority ceases upon appointment by a court of a guardian for a child (Title 10, Oklahoma Statutes, Section 10). Rights and duties with respect to the care and custody of a child, except for parents and close relatives, can only be assigned, relinquished, or transferred by an order or judgment of a court. (Title 10, Oklahoma Statutes, Section 27) When the court has placed a handicapped child under legal guardianship of the state (i.e., DHS), the school district should take steps to make surrogate parent representation available to the child.

Foster parents should be trained and assigned as surrogate parents in most circumstances where the state, as guardian for a child, has placed a child in that foster family home. Because foster parents are not considered to be employees of the responsible agencies, their daily contact and involvement with the child makes them the first choice as surrogate parents. The school district or educational agency must verify training and officially assign foster parents as surrogate parents for handicapped children. If the foster parent chooses not to act as the surrogate parent, another trained surrogate parent will be provided by the school district or education agency. Schools are encouraged to invite relevant personnel from the DHS to team meetings although such employees cannot serve as parents or surrogate parents.

When a handicapped child has been placed in a special facility or institution for residential treatment or full-time care, the educational agency must ensure that the child has representation by parents or surrogate parents. Employees of the agency involved can not serve in this capacity, since they do not meet the criteria outlined by EHA. If a parent's rights have been terminated and the court has made the state guardian of the child, a surrogate parent must be appointed. In circumstances where the parents have placed the child on their own or have agreed voluntarily to the custody of the state for purposes of this residential placement, every effort should be made to continue the involvement and participation of those parents in the special education process. If the whereabouts of the parent cannot be determined or no parent can be identified, the educational agency would then assign a surrogate parent on behalf of the child.

Oklahoma law provides that a "child" is defined as any unmarried or unemancipated person under the age of 18 years. (Title 10, Oklahoma Statutes, Section 25) A "minor" means any person who has not attained the age of 18 years. (Title 10, Oklahoma Statutes, Section 402, as amended in 1986) When parent authority ceases at age 18 years or upon marriage of the child (Title 10, Oklahoma Statutes, Section 10), the individual may give legal consent on his own behalf. However, under EHA, it could be permissible for parents, who still maintain responsibility for the individual to continue involvement on behalf of their handicapped child through age 21 years where necessary. Where such students are no longer considered as a "child" or "minor" and parents are not available, surrogate parents might be assigned, with agreement of the student, to assist in representing their rights as handicapped students. In circumstances where the student is so severely handicapped as to be unable to give consent, courts can appoint parents or relatives as guardians to act on behalf of the student.

D. Category Definitions, State Regulations and Class Size

Definitions of "handicapped children*." The terms used are defined as :

1. "Deaf" means a hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.

2. "Deaf-blind" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind children.

*(34 CFR 300.5)

3. "Hard-of-Hearing" means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included under the definition of "deaf" in this section.

4. "Mentally retarded" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a child's educational performance.

5. "Multihandicapped" means concomitant major impairments (such as mentally retarded-blind, mentally retarded-orthopedically impaired, etc.), the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blind children.

6. "Orthopedically impaired" means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns which cause contractures).

7. "Other health impaired" means having an autistic condition which is manifested by severe communication and other developmental and educational problems; or having limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance.

8. "Seriously emotionally disturbed" is defined as follows:

   a. The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance:

      (1) An inability to learn which cannot be explained by intellectual, sensory, or health factors;

      (2) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

      (3) Inappropriate types of behavior or feelings under normal circumstances;

      (4) A general pervasive mood of unhappiness or depression; or

      (5) A tendency to develop physical symptoms or fears associated with personal or school problems.

   b. The term includes children who are schizophrenic. The term does not include children who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed.

   NOTE: The federal definition is for "Seriously emotionally disturbed" and since Oklahoma uses this definition, it is understood that all children placed in the category of "emotionally disturbed" will be seriously disturbed. Before a team determines that a student is eligible, the team must document evidence of a condition and all three qualifiers: 1) Over a long period of time; 2) To a marked degree; and 3) Adversely affects educational performance.

9. "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, emotionally disturbance, or of environmental, cultural or economic disadvantage.

10. "Speech or Language Impaired" means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, which adversely affects a child's educational performance. (Refer to p. 38.)

11. "Visually handicapped" means a visual impairment which, even with correction, adversely affects a child's educational performance. The term includes both partially seeing and blind children.

E. General Information

1. Ages of Children

Minimum Age--Programs for exceptional children must be available beginning at age three. However, for certain eligible students there is no minimum age (i.e., severely handicapped children are to be provided special education services beginning at birth). These children are operationally defined as those functioning 50% or more below normal expectancy for their age. These may be: deaf and hard-of-hearing, visually handicapped, low incidence multihandicapped children (e.g., deaf-blind; retarded-cerebral palsied), autistic, and other children failing to thrive from birth.

Maximum Age--Each eligible exceptional child has a right to 12 years of public schooling beginning at age 6 (as provided by state regulations for entrance to first grade) and terminating upon completion of a secondary program through awarding of a diploma or a certificate of attendance and completion. However, additional service through age 21 is required if the student has not completed a secondary program.

Oklahoma School Law (70-5-132) states that any person over the age of 21 and under the age of 26 who has not completed the 12th grade shall be given educational privileges if he/she was unable to attend school because of *military service or physical disability*. This extended time to age 26 years is for the exact number of days he/she missed because of military service or physical disability.

2. Length of School Day

A school day for children enrolled in special education is determined by the needs of the child. Most exceptional students will attend school the same length of time as nonhandicapped students. However, when a child is unable to attend school on a full-time basis, the length of his/her school day may be determined by the IEP/placement team. The child shall be counted for full average daily attendance for state aid.

3. Service Delivery

a. Program Definitions

One of the following types of service delivery must be recorded for each objective on the IEP under the column entitled "Specific Educational and Related Services". This assists in making clear to all parties the situation in which an objective will be taught. (Refer to instructions regarding completion of the IEP Form on pp. 47-52.)

Institutional Program--Residential

This type of service delivery occurs when a child resides in an institution for care and treatment as well as for educational purposes.

Institutional Program--Hospital

This type of service delivery occurs when a child is in a hospital setting receiving treatment as well as receiving an educational program.

Home-Based Programs

The home-based type of service delivery permits instruction for the identified handicapped child outside the school setting. The child must be of legal school attendance age and unable to participate in a school-based program due to his/her handicapping condition. The instruction must be provided by a special education teacher certified in the child's handicapping category. This program will be considered as an extension of the district's special education program and the district will assume responsibility for its funding. The IEP must reflect the amount of time spent on short-term instructional objectives constituting the program, including the related services needed by the child in order to benefit from special education. The attendance for said child shall be entered in the appropriate register by the local school. This child shall be counted for full average daily attendance for state aid, providing established procedures have been followed in (1) evaluation, (2) eligibility determination, and (3) development and implementation of an appropriate IEP.

Special Day School Program

This type of service delivery occurs when a child attends a special day school program at a location other than the regular school setting (e.g., a child who attends a cooperative program at a separate facility; a child who attends a state school, such as the School for the Deaf or the School for the Blind on a day school basis, returning home each day; or a child who is placed by the LEA in a private accredited day school which provides special education services).

Self-Contained Special Class Program

A self-contained type of service delivery means a child must spend the majority of his total educational program in a special education class. A student served in this capacity requires most of his academic instruction to be provided by special education teachers (e.g., a child is served 4 periods per day in special education classes and 2 periods per day in regular education classes).

Laboratory or Resource Room Program

A laboratory or resource room type of service delivery means a child can function successfully in regular classes, with or without adaptations, for the majority of his total educational program. A child served in this capacity would usually exhibit mild handicaps and would require leaving the regular classroom for specialized instruction in the lab or resource room.

NOTE: Class size for this delivery type is no more than 10 students at any one time.

Itinerant Teacher Program

This type of service delivery occurs when a special education teacher is not assigned to the same building every day. The itinerant teacher provides direct services to the student as stated

on the IEP (e.g., a speech therapist who serves several buildings on different days).

NOTE: Caseload for the special education teacher remains the same as if the teacher served only one site and could be adjusted downward to allow for travel time.

Consultative Teacher Program (to the regular classroom teacher)

A consultation type of service delivery means a certified special education teacher acts as a consultant to the regular education teacher who has the child. The child served in this way would have very mild handicaps and could function successfully in the regular classroom with no direct special education services. The special education teacher would not provide direct services to the child, but instead would consult with the regular teacher. The special education teacher would be involved in the multidisciplinary evaluation, the placement meeting to develop the IEP, teacher conferences, and parent conferences. Special materials needed by the student would also be provided by the consultant. The consultant would be responsible to see that IEP objectives are carried out with proper modification in the regular class. The IEP should include a provision for the consultant to monitor the child's progress. The schedule of consultation periods between service providers (special education consultant and regular teachers) should be addressed as a short-term instructional objective in the IEP including the amount of time (i.e., once a week), beginning and ending date (i.e., August 8, 1990 to August 8, 1991), and evaluation procedures (consultation conference report forms, written consultation summaries, recommendations on assignment modifications agreed upon at conferences, etc.).

NOTE: A full-time self-contained or lab (resource room) teacher with a maximum caseload cannot act as a consultant for students served only in the regular classroom on an IEP. The special education teacher assigned full-time as an indirect service provider shall have a reasonable active case load of no more than 40 different students. Less than full-time shall be prorated [e.g., a teacher with two hours released time could serve 14 students (approximately 2/6 of 40) on a consultative basis].

b. Program Design/Modified Programs

Mixed Categories

Although special education students are typically served in programs designed for their handicapping category, children with different handicapping categories may be served in the same classroom when determined to be appropriate by the IEP team. However, the special education teacher designing and monitoring the IEP must have certification in the category of each child's handicapping condition.

Departmentalization

A school district may departmentalize special education instruction if needed to ensure appropriate programming.

To implement a departmentalized program, a full-time teacher must:

1. Teach no more than two subjects per day;
2. Teach no more than one subject per hour;
3. Have no more than 10 students per class period; and
4. Be responsible for no more than 25 IEPs.

Modified Programs

Since the basic concept of special education is an appropriate education for individual handicapped students, there may be exceptions to the aforementioned program designs. These exceptions may entail class size adjustments or a district may elect to implement an innovative program design. The State Department of Education encourages innovation and flexibility in the education of handicapped students. Examples of innovative alternative approaches would include cooperative learning, team teaching and other designs as outlined in the request for approval.

For permission to adjust a program to fit the needs of handicapped students within the school district, the school must obtain a letter of approval from the Special Education Section of the State Department of Education. The district must ensure that each program meets the individual needs as outlined in the IEP. In determining the appropriate program, the IEP team should consider the least restrictive environment, including age and functioning appropriateness, as well as consideration of any potential harmful effects to the child or the program. Copies of this letter are to be on file with the local district and the Department, and will cover only the current school year.

c. Private/Parochial Schools

If a private/parochial school is located within district boundaries, the LEA must:

1. Involve the private/parochial school in child find activities;

2. Provide the private/parochial school an opportunity to participate in CSPD activities (committee participation, needs assessment, etc.);

3. Involve a representative from the private school in the development, review and revision of an IEP for a handicapped child (enrolled in a private/parochial school) receiving special education or related service from the LEA. If a representative cannot attend, the local agency will use other methods to ensure participation by the private school, including individual or conference telephone calls; and

4. Give the appropriate representatives (private/public) a genuine opportunity to express their views regarding each matter, subject to the consultation requirements.

4. Discipline

OSEP and OCR have summarized the procedures and requirements under EHA, Section 504 of the Rehabilitation Act of 1973, and the Honig v. Doe Supreme Court Decision relating to changes in a special education student's placement for disciplinary reasons.

If the student exhibits behavior that endangers that student or others, then the school's normal procedures for such situations may be used, including the following:

- Counseling
- Use of study carrels
- Timeouts
- Detention
- Restriction of Privileges
- Behavior Intervention Plan

Such techniques are discussed in detail under the Classroom/Individual Management section of *Serving the Emotionally Disturbed Child in Oklahoma*. Other suggestions appear in *Serving the Learning Disabled Child in Oklahoma* and *In the Mainstream - Cooperative Planning and Programming For Handicapped Students*. Discipline problems that may be anticipated or have been experienced repetitively should be addressed by the IEP team on an individual basis.

If the special education student's misconduct warrants the consideration by the school for suspending the student under applicable discipline policy, the following procedures shall be followed:

Suspension for 10 Consecutive School Days or Less

If the student poses an immediate threat to the safety of others, school officials may temporarily remove that student for up to 10 school days. No prior determination by the IEP team of whether the student's misconduct is a manifestation of the handicap is required for this type of short-term removal.

Such removal shall be conducted in accordance with applicable school disciplinary policy and procedure, including all due process rights afforded any student in this situation.

During a 10-day suspension, school officials may initiate a review of the student's IEP, seek to persuade the parents to agree to an interim placement, or invoke the aid of the courts to remove a student whose parents refuse to permit any change in placement.

If such civil action is brought by the school, the burden is on the school to demonstrate that this removal should occur because:

1. the use of the due process hearing procedures under pp. 75-77 of this manual would be futile or inadequate, and
2. maintaining the student in the current placement is substantially likely to result in injury to the student or to others.

Suspension for More Than 10 Consecutive School Days

Suspension of a special education student for more than 10 consecutive school days constitutes a change of placement. Prior to implementing such a change in placement, the IEP team must first convene in accordance with pp. 41-46 of this manual and determine if the student's misconduct is a manifestation of the handicapping condition or due to an inappropriate placement. In making this determination, the IEP team must consider all pertinent information, including current standardized assessment data. Additional assessment may be necessary before the IEP team can make this decision [see also Notification of Meeting (SDE Form 6), Record of Parent Contacts (SDE Form 7), IEP (SDE Form 9), Review of Placement/IEP (SDE Form 10)].

If the student's misconduct is determined to be a manifestation of the handicapping condition, or due to an inappropriate placement, or both, then the student may not be suspended or otherwise excluded for more than 10 school days.

If the IEP team determines that the student's IEP or placement should be changed, the parents must be provided with written prior notice in accordance with pp. 5-6 of this manual and be given at least 10 calendar days for response, as necessary [see also Notification of Meeting (SDE Form 6), Record of Parent Contacts (SDE Form 7),and IEP (SDE Form 9)].

If the IEP team determines that the student's misconduct is not a manifestation of the handicapped condition nor due to an inappropriate placement, and suspension for more than 10 consecutive

school days is proposed, the parents must be provided with written prior notice in accordance with pp. 5-6 of this manual and be given at least 10 calendar days for response before this suspension is implemented [see also Notification of Meeting (SDE Form 6), Record of Parent Contacts (SDE Form 7), and IEP (SDE Form 9)].

Educational services shall not be terminated during this period of suspension. The IEP team will determine appropriate educational services to be provided and record these in the IEP, including any change to a more restrictive placement.

If the parents request a due process hearing to challenge this proposed suspension, the suspension may not be implemented by the school over the parent's objection until all due process hearing and judicial review proceedings have been completed.

The school may invoke the aid of the courts to remove a student whose parents object to any proposed interim placement. Alternate placements proposed by the school to control the student's misconduct must be determined in accordance with the school's obligations to provide the student with a free appropriate public education in the least restrictive environment.

Serial Suspension

OCR has determined that a series of separate suspensions during the school year that total 10 school days or fewer is not considered to be a "significant change in placement." A series of separate suspensions during the school year that, in total, exceeds 10 school days is likely to be considered a "significant change in placement."

Consequently, the factors that should be considered in determining whether a series of suspensions has resulted in a "significant change in placement" are the length of each suspension, the proximity of the suspensions to one another, and the total amount of time the child is excluded from school. A series of suspensions that result in a "significant change in placement" requires completion of the same steps listed under "Suspension for More Than 10 Consecutive School Days."

5. Grading/Transcripts

Grading

There is one definite rule for grading students in all special education categories: There must not be any discrimination in the system of grading. That is, if all students in a school are graded by the A, B, C, etc., plan, special education students will also receive A, B, C, etc. In recording grades on a permanent record, such as a transcript, there must not be any reference to the student's placement in special education.

EHA requires provision of a free, appropriate public education to all special education students. The IEP team must address grading considerations in the IEP as appropriate. Some suggestions:

1. Grades should never be given as motivation (A's) or punishment (F's).

2. A student should *earn* the grade through completion of IEP objectives. Too easy a program may result in too many A's and too difficult a program may result in D's or F's. A program should be planned on the level where the child is functioning, but the teacher should always be alert to expand this level upward.

3. Students should not be placed in academic subject classes beyond their ability because of an inflexible school schedule.

Parents must understand grading in special classes. They need to be told where the student is functioning and what is being learned, rather than relying on report card "grades" to understand progress.

The teacher who has the student for a period should give the grade for that time. If the grade will go on one regular report card, the special teacher and regular teacher should confer. If the regular teacher objects to giving a "passing" grade to a student who is not in his/her class, both teachers could sign the report card. Since separate report cards are given on the secondary level, there should be no problem.

A student in special education can get a failing grade. He/she cannot fail because the academic level is too high (that would not be an appropriate program), but failing grades may be given because of refusal to do work within capability and/or poor attendance. However, when failure does appear, consideration should be given to addressing the problem on the IEP with the idea of alleviating it.

Additional suggestions regarding grades appear in *Serving the Emotionally Disturbed Child in Oklahoma* and *Serving the Learning Disabled Child in Oklahoma*.

Transcripts

A student's transcript must not contain any information which is considered to be confidential. This would include any reference to special education placement or categories, special services, test information or reference to handicapping conditions.

6. High School Special Education

Units Required for Graduation

Twenty (20) units are required for graduation. Fourteen of the 20 units required shall be earned in the 10th, 11th, and 12th grades. Six units may be earned in the 9th grade.

Local IEP teams may, for individual students, use the following modified course names to allow *realistic educational programming* for handicapped youth:

1. Communication Skills--4 units
2. Social studies--2 units (This fulfills the requirement for American History--1 unit, and Oklahoma History--1/2 unit and World History--1/2 unit.)
3. Science--2 units (One unit must be a laboratory science.)
4. Computation Skills--2 units

Ten units of the required 20 units shall be chosen from the following:

1. Co-op Training (work experience or on-the-job training) (Maximum 3 units per school year)
2. Vocational and Technical Education (Maximum 3 units per school year)
3. Home Training
4. Vocations

5. Physical Education

6. Arts and Crafts

7. Music

8. Industrial Arts/Technology Education courses

9. Others as appropriate

7. Diplomas

Prior to the end of the spring semester of the 8th grade school year, the IEP team will determine, for every special education student, a goal for completion of an appropriate secondary education program. For students in the 9th or 10th grade during the 1990-91 school year, such a determination will also be made by the IEP team. Completion of a secondary education program may be accomplished by the student through meeting all requirements for a diploma or a certificate of attendance and completion.

Effective September 1, 1992, obtaining a diploma will require successful completion of all units of course study required by the State Board of Education and a passing score on all sections of the State-adopted competency examination, pursuant to the Oklahoma School Testing Program Act. The certificate of attendance and completion will require successful completion of all units of course study required by the State Board of Education.

For each type of secondary program, schooling for the special education student through the age of 21 is permitted if necessary for completion of the secondary education program selected by the IEP team. Schooling through the age of 21 for all special education students is not necessarily required, however. The IEP team will be responsible for selecting the type of secondary program which is appropriate based on the individual educational needs of the student. The type of secondary education program selected may be changed, as appropriate, by the IEP team. The IEP team shall also develop and write appropriate educational objectives geared to completion of the secondary education program selected, including all appropriate modifications required in the regular classroom. Thorough documentation in the student's transcript and IEP, including completion of the IEP "Evaluation Procedures" and "Objective Achieved" columns, is required to determine if an appropriate secondary education program has been completed.

8. Special Vocational Education

Programs

In addition to regular vocational-technical programs, IEP teams may select from the special programs listed below. Such programs are available for freshmen, sophomores, juniors, and seniors. The students must be properly identified and have an IEP on file indicating enrollment in these programs. If vocational education is to be a part of the student's IEP , a representative of vocational education should be on the IEP team, and the instructor of the vocational program should have access to a copy of the IEP when the handicapped student enters the vocational program. The special programs are designed for students with special problems only (for freshmen, sophomores, juniors, and seniors).

Course	Year(s)	Semester(s)	Unit(s)
Building Maintenance Training	9, 10, 11 or 12	2	3
Introduction to Vocational Careers	9, 10, 11 or 12	2	3
Home, Business and Industrial Services	10, 11 or 12	2	3
Occupational Services	9, 10, 11 or 12	2	3

Students in the trade and industrial day-trade programs shall not receive compensation for work on live projects unless they have been formally assigned to a contractor, shop owner, etc., in their senior year (second semester) for on-the-job training. They must report to their trade and industrial class for theory. The trade and industrial day-trade teacher will regularly supervise assigned students on their jobs. These assignments will be coordinated by the teacher, the local administrator, and the state supervisor of trade and industrial education.

Transition

Transition is defined as a planned program to span the gap from high school to the world of work. Critical characteristics of an appropriate secondary program include (a) functional curriculum, (b) least restrictive environment, and (c) community-based service delivery.

Special education curriculum in a senior high school may include transition programming through the following methods:

1. Self-contained and/or lab program following state guidelines. The program will be developed according to individual student's needs as to the amount of time "mainstreamed." This type of program may offer vocational-technical services for half of the day.

2. Cooperative work/study program: an agreement between the school district, the Rehabilitation Services Division of the Department of Human Services and the State Department of Education. Each participating school district will have a special education teacher and a vocational rehabilitation counselor assigned to the program to provide the coordinated services of both agencies. The teacher spends a portion of the school day in securing jobs for the students, supervising students on the job and making home visits. The students in this program can earn three cooperative training units per school year. This can be a good method of providing an appropriate transition program between school and the community.

   Not all students enrolled in this program will necessarily be on a work schedule.

   The teacher/coordinator may supervise 25 students in the field work part of the program. These students may or may not be the same students carried on the coordinator's academic class roll.

3. A school work/study conducted by the teacher without the signed cooperative agreement between the school and state agencies as mentioned in No. 2 above. The teacher will still secure jobs, supervise job placement and make home visits. Vocational rehabilitation services will be available upon request.

Local Education Agency Collaborative Efforts Required Through Other Agency Law/Policy

1. Carl D. Perkins Vocational Education Act (Public Law 98-524)

   Section 204, Part A of this act sets forth criteria for services and activities for serving handicapped individuals. It states, "The State Board of Vocational Education shall provide assurances that:

a. Equal access will be provided to handicapped individuals in recruitment, enrollment, and placement activities;

b. Equal access will be provided to handicapped individuals to the full range of vocational programs (available to all others), including occupationally specific courses of study, cooperative education, and apprenticeship programs; and

c. Vocational education programs and activities for handicapped individuals will be provided in the least restrictive environment in accordance with section 512 (5) (B) of the Education of the Handicapped Act and will, whenever appropriate, be included as a component of the Individualized Education Program."

In addition, each local agency "shall provide information to the handicapped students and parents of such students concerning the opportunities available in vocational education *at least one year* before the students enter the grade level in which vocational education programs are generally first available, but in no event later than the beginning of the *ninth grade*, together with the requirements for eligibility for enrollment in such vocational education programs."

Section 204 continues, "each handicapped student who *enrolls* in vocational education programs shall receive:

a. Assessment of interests, abilities and special needs of such students with respect to completing successfully the vocational education program;

b. Special services, including adaptation of curriculum, instruction, equipment, and facilities, designed to meet the needs identified above (item No. 1);

c. Guidance, counseling, and career development activities conducted by professionally trained counselors who are associated with the provision of such special services; and

d. Counseling services designed to facilitate the transition from school to post-school employment and career opportunities."

2. The Rehabilitation Act of 1973 (Public Law 93-112) and amendments

a. The procedure for the designing and delivery of special education services should include a *vocational rehabilitation counselor* and others appropriate for the transitional planning of the IEP and IWRP.

b. This meeting should be held during the junior or senior year, but certainly no later than the first semester of the senior year.

c. It is the responsibility of the local school district to refer the handicapped student(s) to the area vocational rehabilitation counselor by the time the student reaches age 16. The RESCs and the county DHS offices have a list of vocational rehabilitation counselors in Oklahoma. The vocational rehabilitation counselor will determine eligibility for services from vocational rehabilitation.

d. It may not be possible for the vocational rehabilitation counselors to attend all formal IEP meetings, but they will make themselves available to the schools in their respective areas for the purpose of collaborating in this transitional planning for the services needed in the IEP/IWRP. These services should be designed to facilitate the transition from school to post-school employment and career opportunities.

3. Service Delineation as Outlined in the Oklahoma Interagency Cooperative Agreement

Age ranges and grade levels will vary, depending on the level of need or severity of handicap. The following service profile chart for occupational preparation includes minimal instructional components, age ranges, levels, and agency responsibility:

INSTRUCTIONAL COMPONENTS	AGE RANGE	GRADE LEVEL	RESPONSIBLE PROGRAM
Personal Adjustment (daily living skills)	11, 12, 13	6th, 7th, 8th	Special Education (with consideration by Vocational Rehabilitation)
Prevocational Evaluation and Education	11, 12, 13	6th, 7th, 8th	General Education Special Education (with consideration by Vocational Education and Vocational Rehabilitation)
Vocational Training	14 and above 14-21 16 and above[1]	9th-12th 9th-12th 9th-12th	Vocational Education* Special Education Vocational Rehabilitation
Job Placement and Follow-up	16 and above Program completers 16-21		Vocational Rehabilitation Vocational Education Special Education
Adult Training[2]			Vocational Rehabilitation Vocational Education

[1]Eligibility for traditional vocational rehabilitation services is not based solely on age. However, agency policy states that clients should reach employment age by completion of the IWRP.

[2]Dropouts are included in the adult training program.

*In 9th grade and above, vocational training can be provided through LEA vocational programs such as shop, horticulture, home economics and vocational agriculture.

9. Teacher Certification and Salary

Certification

The State Board of Education has approved the standards for a five-year standard, a three-year provisional, and a one-year emergency certificate for teachers in special education. The exact requirements to meet these standards are in the *Teacher Education, Certification and Assignment Handbook*. If there are any questions concerning this, consult with the Certification Section of the SDE.

To qualify as an instructor of exceptional children, a teacher must hold a valid special education teacher's certificate. Special education teachers of handicapped students must be certified in the disability area of the students for which they design and monitor IEPs. Special education teachers assigned to teach multihandicapped students must be certified in at least two disability areas.If paid

with federal monies, teachers of the multihandicapped must also maintain placement on the Multihandicapped Teacher Registry kept by the SDE. Contact the Coordinator of Deaf-Blind/Multihandicapped for specific criteria regarding this registry.

Special education teachers are qualified to teach, in their areas of certification, *all eligible school age* handicapped students. Certification is for N-12: nursery through twelfth grade. "Visiting Counselor" means a liaison between the home, school, and community agencies. The counselor must hold a valid Oklahoma Visiting Counselor's Certificate. It is recommended that minimum case loads for program approval are as follows: full-time program 250; part-time, in proportion.

Special education teachers may give credit for the subject taught (e.g., on the secondary level, a student may receive credit in English, math, etc., if the special teacher is responsible for these subjects.) Special teachers should cover material, as appropriate, in the assigned subject area since students have the right to obtain *knowledge* on the level on which they function. A *broad curriculum* can be developed for all handicapped students.

Salary

State law provides that the teacher of special education shall be paid a minimum of five percent above the prevailing wage paid teachers of normal children in the same school district.

10. Textbook Funding

Textbook funding allotments include all the children in a school district. If the textbook list does not contain appropriate material for handicapped children, application may be made to the Textbook Section of the SDE for permission to spend the money generated by these children on appropriate materials not on the textbook list. (H.B. 1140, Section 13) No funds shall be provided for students attending special education classes less than two hours per day. Those attending two hours or more per day, but less than four hours, shall receive a one-half allocation. Those attending special education classes for four or more hours per day shall receive full allocation.

F. Least Restrictive Environment

Each public agency shall ensure that:

1. To the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped; and

2. Special classes, separate schooling or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

3. A continuum of alternative placements is available to meet the needs of handicapped children for special education and related services. The continuum available for consideration will include:

   a. Regular classroom with special consultation to the regular teacher provided by a certified special education teacher;

   b. Regular classroom supplemented by the services of an itinerant teacher;

   c. Regular classroom supplemented by the services of a resource room teacher;

d. Part-time special education (i.e., services for students who require instruction in special classes, but participate with nonhandicapped students in all activities appropriate for the child);

e. Full-time special education (i.e., self-contained special classes);

f. Special day schools;

g. Home-based instruction;

h. Residential schools; or

i. Hospital school programs.

4. Each handicapped child's educational placement is determined at least annually (based on his or her IEP), and is as close as possible to the child's home.

5. The various alternative placements included in No. 3 above are available to the extent necessary to implement the IEP for each handicapped child.

6. Unless a handicapped child's IEP requires some other arrangement, the child is educated in the school which he or she would attend if not handicapped;

7. In selecting the least restrictive environment, consideration is given to any potential harmful effect on the child or on the quality of services which he or she needs; and

8. In providing or arranging for provision of nonacademic and extracurricular services and activities, each handicapped child participates with nonhandicapped children in those services and activities to the maximum extent appropriate to the needs of that child.

The central concept underlying the least restrictive environment mandate is this: the handicapped student must be placed in the least segregated environment in which an appropriate educational program can still be delivered. The handicapped child's educational environment should not deviate from that made available to nonhandicapped children except to the extent that the individual educational needs of the child dictate the change. This requires a determination by the placement team of what the maximal level of integration can be for each handicapped child, individually, in view of his or her handicapping condition. As stated in the comment to (34 CFR 300.552), "the overriding rule in this section is that placement decisions must be made on an individual basis."

The least restrictive environment mandate requires a continuum of alternative placements for consideration. As depicted under No. 3 of this part, placement of a handicapped child in the regular classroom on a full-time basis is but one point along the continuum. Thus, least restrictive environment is not synonymous with full-time regular classroom instruction (sometimes referred to as "mainstreaming").

Documentation of Least Restrictive Environment

Prior to placement, a determination must be made by the placement team regarding the maximal level of integration appropriate for the handicapped child. If the team determines that, as a result of the child's nature or severity of handicap, the child requires removal from the regular educational environment, the team must justify in writing the reason(s) for such removal. Such justification would include why education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. The use of the Referral for Evaluation form (SDE Form 2) requires a

written explanation concerning these aids and services used/proposed, or not used/proposed, to supplement to instruction in the regular classroom for the handicapped or purported-to-be handicapped child.

The IEP form (SDE Form 9) requires written justification for those children requiring removal from regular classes, including children who require instruction in special education classes on only a part-time basis. This IEP form requires the following to be addressed specifically: participation in physical education, vocational education, nonacademic/extracurricular services and activities, and adaptations in the regular classroom which are or are not required. Proximity of placement, potential harmful effects of placement, maximum level integration with nonhandicapped, and written justification for separate facilities are also addressed. As the least restrictive environment for each child may change over time, the Review of Placement/IEP form (SDE Form 10) requires written explanation for any changes in placement determined to be appropriate by the IEP/placement team, including placement in more restrictive settings.

G. Confidentiality of Information and Education Records

EHA and FERPA provide requirements concerning the collection, storage, disclosure, and destruction of personally identifiable information and education records. (34 CFR 300.560-300.576 and 34 CFR 99.1-99.67) Each educational agency or institution shall develop and implement a local policy regarding the confidentiality of all personally identifiable information and education records. The local policy shall be in accordance with all relevant federal regulations and State Statutes or Standards including the EHA, FERPA, General Education Provisions Act, Oklahoma Statutes, and the Oklahoma State Plan for Education of the Handicapped.

Educational agencies and institutions shall annually notify parents of their rights concerning educational records and shall make the local policy available to the public through newspapers, media, student handbooks or other means of publication and dissemination. This public notification would be accomplished at the time of policy implementation and upon any subsequent revisions or updates of local policy.

Copies of a written policy, adopted by the educational agency or institution, shall be made available to parents or eligible students upon request.

Local policy must include the following:

1. How parents and eligible students are informed of their rights regarding confidentiality and education records;

2. How parents and eligible students may inspect and review education records (i.e., procedures parents and eligible students must follow to inspect and review records, access to records and requests for copies, schedule of any fees to be charged for copies, and a list of types and locations of education records maintained with titles and addresses of officials responsible for the records);

3. A statement addressing prior written consent of the parent or eligible student for release of personally identifiable information, except under certain conditions as provided in federal regulations;

4. Criteria for school officials or personnel with legitimate educational interest for disclosure of information;

5. A statement that a record of disclosures will be maintained and that parents or eligible students may inspect and review that record;

6. Specification of types of information which the agency or institution has designated as directory information; and

7. A statement permitting parent or eligible student requests for correction of a student's education records, to add statements to the records, and to obtain a hearing under FERPA.

Annual notification to parents or eligible students currently in attendance must include a statement that the parent or eligible student has the following rights to:

1. Inspect and review the student's education records;

2. Request amendment of education records to ensure that they are not inaccurate, misleading, or in violation of the student's privacy or other rights;

3. Consent to disclosures of information in education records, except where consent is not required to authorize disclosure;

4. File complaints with the U.S. Department of Education concerning alleged failures to comply with confidentiality requirements; and

5. Obtain a copy of local adopted policy.

6. Notification methods shall be effective for parents and eligible students whose primary or home language is other than English.

Parents and eligible students have certain rights concerning education records. These rights are as follows:

1. Except as limited under 34 CFR 99.12, parents or eligible students shall be permitted to inspect and review the education records of the individual student;

2. Receive response to requests for access to records without unnecessary delay and before any meeting regarding an IEP or due process hearing related to the identification, evaluation or placement of a child, but in no case more than 45 days after the request is received;

3. Receive response to reasonable requests for explanations and interpretations of the records;

4. Request and receive a copy of the records if failure to do so would effectively prevent the parent or eligible student from exercising the right to inspect and review the records. A minimal fee for copies of the records may be charged, if the fee does not effectively prevent the parent or eligible student from effectively exercising their rights. Fees may not be charged to search or retrieve education records of a student.

5. Education records shall not be destroyed if there is an outstanding request to inspect and review these records;

6. Eligible students who are prevented from access to treatment records under 34 CFR 99.3 may have those records reviewed by a physician, psychologist, or other appropriate professional of the student's choice; and

7. Parents have the right to have their representative inspect and review the records.

"Parent" includes a student's natural parents, guardian, relatives or stepparents with whom a child lives, or individuals such as surrogate parents acting as a parent in the absence of a parent or guardian. (34

CFR 300.10, 300.514, and 99.3) An agency may presume that the parent has the authority to inspect and review records relating to a child unless the agency has been advised and provided with evidence that the parent does not have such authority (i.e., court order, State Statutes, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights).

"Eligible students" who have reached the age of majority (18 years of age) or who are attending an institution of postsecondary education shall have rights to inspect and review records, except where otherwise indicated by federal regulations, State Statutes, or court orders.

Each local education agency will define "directory information" in accordance with 34 CFR 99.2. Directory information may be disclosed WITHOUT written parent permission if public notice has been given to parents and eligible students in attendance. Parents or eligible students in attendance may notify the agency or institution in writing that any or all types of information otherwise designated as directory information is not to be designated as directory information for the individual student. Directory information may include:

1. Student's name;
2. Address;
3. Telephone listing;
4. Date and place of birth;
5. Dates of school attendance, names of schools, and locations;
6. Participation in officially recognized activities and sports; and
7. Degrees and awards received.

"Education records" includes those records that are directly related to a student and maintained by an educational agency or institution. The term does NOT include: records of personnel that are kept in the sole possession of the maker of the record and are not accessible or revealed to others; law enforcement records not disclosed to educational agencies or personnel; student employee records; and treatment records (on students 18 years of age or older, or attending a postsecondary education institution) made or maintained by physicians, psychiatrists, psychologists, or similar professionals only for this purpose. Education records may include:

1. Cumulative records:

    a. Transcripts;
    b. Group administered achievement and aptitude test scores; and
    c. Health records (e.g., immunizations, diseases, allergies, etc.).

2. Special education records:

    a. Evaluation reports and prescriptive learning plans from RESCs;
    b. Special reports, recommendations and observations of professionals who have individually screened, assessed, and/or evaluated a child for identification of a handicap or placement in a special education program (i.e., psychologist, psychometrist, physician, etc.);
    c. Special reports from outside agencies or specialists (i.e., private schools, social service agencies, rehabilitation agencies, hospitals, etc.);
    d. Special education documentation forms:

        (1) Confidential Record Access Sheet
        (2) Referral for Evaluation
        (3) Parent Permission for Evaluation
        (4) Multidisciplinary Evaluation Team Summary (and evaluation reports)
        (5) Learning Disabilities Evaluation Summary
        (6) Notification of Meeting

(7) Record of Parent Contacts
(8) Categorical Eligibility Statement
(9) Individualized Education Program
(10) Review of Placement/IEP
(11) Confidentiality Procedures
(12) Authority to Transfer Education Records
(13) Consent to Release Information (Third Parties)
(14) Surrogate Parents-Verification of Training
(15) Medical Information Form
(16) Eye Report for Children with Visual Problems
(17) Audiogram for Children with Hearing Impairments

e. Documentation of all actions, protests, meetings, challenges and recommendations by the parents/ guardians and/or schools for evaluation, eligibility, placement, and/or IEP purposes; and

f. Videotapes and audiotapes of a child in relation to special education services.

All confidential special education records for handicapped students will be kept in a separate folder and not in the child's regular school cumulative folder. These records will be kept in a secure, locked area. To facilitate the updating process, individual files should have information arranged in chronological order, with the current or most recent individualized education program and other documents at the front of the folder.

Each LEA/public agency shall provide to parents, on request, a list of the types and locations of education records collected and maintained by the LEA. Confidentiality procedures are to be posted around each school building at strategic locations.

One person in each local agency shall assume responsibility for ensuring the confidentiality of any personally identifiable information. Persons collecting or using personally identifiable information shall be trained by the local agency annually in confidentiality policies and procedures. Each agency shall maintain, for public inspection, a current listing of the names and positions of those employees who may have access to confidential information. The following persons have access to the records when they have a legitimate educational interest:

Special education teacher
Regular teacher
Administrator and designated administrative personnel
Counselor (including vocational rehabilitation)
State Department of Education personnel
Vocational-technical education personnel
Parents/guardian/surrogate parents
Student (if appropriate and 18 years old)
Paraprofessionals/Teacher Assistants
Registered Physical Therapists
Physical Therapist Assistants
Occupational Therapists
Certified Occupational Therapist Assistants
School psychologists and psychometrists
Speech and language pathologists/therapists
School nurses
Social workers

Other related service providers as appropriate
Student teachers

Unauthorized persons must have parental permission to access confidential records. A form must be kept in each handicapped student's folder to record who accessed the records, on what date, and the purpose.

"Disclosure" of education records or personally identifiable information contained in those records means to permit access to or the release, transfer, or other communication to any party by any means, including oral, written or electronic means. An educational agency or institution may disclose personally identifiable information from a student's education record to other school officials, including teachers, within the agency or institution; to officials of another school system or postsecondary education institution where the student seeks or intends to enroll; to state and local educational authorities; to accrediting and monitoring personnel; and to the Comptroller General of the United States or the Secretary of the U.S. Department of Education. The Authority to Transfer Education Records form (SDE Form 12) may be used for this purpose. Any other disclosure will require written parent/eligible student consent in accordance with FERPA. SDE Form 13, Consent to Release Information (Third Parties), may be utilized to meet this requirement. The disclosure or transfer of confidential records used to provide special education shall be made according to LEA policy. The LEA policy should include the method of transfer of records to another LEA and circumstances which require written parental permission before disclosure or transfer.

The SDE may maintain, give access and/or release personally identifiable data to other agencies in order to facilitate monitoring placements; provisions of services for children in need of special assistance or prolonged assistance; and to enforce legal requirements. Should a participating agency need to disclose personally identifiable data other than for the purpose of which the data has been collected, the agency shall first obtain informed parent consent.

Regardless of the location for delivery of services, (in-district, cooperative, out-of-district, public or private institution, etc.) the LEA shall maintain confidential records for all residents receiving special education. The LEA which is the district of residence should maintain one complete, master file for each handicapped child receiving special education. Other service providers may maintain IEPs and copies of relevant information in a secure manner. Special education cooperatives, programs to which children are transferred, and related service providers are examples of providers that may maintain duplicate information in additional confidential files. However, the district of residence is responsible for documents which ensure that the handicapped child is receiving a free, appropriate public education.

All confidential records will be maintained for at least five years from the time they are generated. (34 CFR 76.730-76.734) After five years and determination that the records are no longer needed to provide educational services, these records may be destroyed. When the information has been determined to be no longer needed, the LEA must destroy the records upon parent requests. (34 CFR 300.573) However, a permanent record of a student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation. Parents must be notified 60 days before destruction and will be offered the opportunity to obtain the documents.

NOTE: To facilitate recordkeeping, the Confidential Record form (SDE Form 1) contains an area for noting when a child is no longer enrolled at an LEA. This will assist in documentation of "inactive file status" for confidential folders of handicapped students.

Parents may request amendment of records. A parent who believes that the educational information/records collected, maintained, or used are inaccurate, misleading, or violate the privacy or other rights of the child may request the school district to amend the records. The LEA shall decide whether to amend the information within a reasonable period of time after receipt of the request (45

days). If the LEA decides to refuse to amend the information, it shall inform the parent of the refusal and advise the parent of the right to a hearing.

On request, the LEA has a responsibility to provide an opportunity for a hearing to challenge information in educational records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. A hearing to challenge information in educational records shall be conducted according to procedures stated in FERPA. (34 CFR 99.22)

If, as a result of the hearing, the LEA decides that the information is inaccurate, misleading, otherwise in violation of the privacy or other rights of the child, it shall amend the information accordingly and so inform the parents in writing. If, as a result of the hearing, the LEA decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall inform the parent of the right to place in the records maintained on the child a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the LEA . Any explanation placed in the records of a child shall be maintained by the LEA as part of the records as long as the record or contested portion is maintained by the LEA. If the records of the child or the contested portion are disclosed by the LEA to any party, the explanation must also be disclosed to that party.

II. Step-by-Step Service Delivery Procedures

Step 1. . . SCREENING

All children are to be screened. Screening is to be conducted by the local education agency, Regional Education Service Center, or other agencies (see p. 65).

Step 2. . . REFERRAL

All children with suspected special needs are to be referred. Referrals are to be initiated by a school, a parent, or other agencies (see pp. 3-5).

Step 3. . . EVALUATION

Following screening and referral, each handicapped or purported-to-be handicapped child will be individually evaluated by a multidisciplinary evaluation team AFTER written parental consent is obtained and parents have been given a written statement of their rights (see pp. 29-37).

Step 4. . . CATEGORICAL ELIGIBILITY

Within 15 school days of receipt of comprehensive evaluation results, a multidisciplinary evaluation team must:

1. complete the Multidisciplinary Evaluation Team Summary form;
2. complete the Learning Disability Evaluation Summary form (only when a student is suspected of having a specific learning disability);
3. complete the Categorical Eligibility Statement form in order to document the process of explanation to parents of their child's evaluation results and determination of eligibility for special education services (see pp. 40-41).

Step 5. . . INDIVIDUALIZED EDUCATION PROGRAM/PLACEMENT TEAM

Within 30 calendar days of declared categorical eligibility, an individualized education program team must write an IEP before physical placement of a child is made and services begin (see pp. 41-52).

Step 6. . . REVIEW OF INDIVIDUALIZED EDUCATION PROGRAM/PLACEMENT

At least annually, an individualized education program team must meet to review the IEP and placement, and a new IEP is written. A review may be conducted more often as needed, and the IEP revised as necessary (see pp. 42-43).

Step 7. . . REEVALUATION (Repeat Steps 2, 3, 4, 5, 6)

All handicapped children must be evaluated at least every 3 years according to procedures outlined on pages 29-37. Written parental permission is required prior to each evaluation (see pp. 33-34).

I. Evaluation

Consent for Evaluation

After screening, referral, and parent consent each handicapped or purported to be handicapped child will be individually evaluated to determine eligibility for special services.

Parent Permission for Testing

When there is reason to believe that a child is in need of special education services and such a child becomes the subject of individual evaluation procedures (formal testing, informal assessment), then *advanced written permission* for such procedures to be used shall be obtained from the parents. The notice requesting permission for such testing shall contain the following:

The reason the evaluation has been requested, options proposed, and the name of the person who initiated the process;

A statement of the right to refuse to permit the evaluation, with the understanding that the LEA can request a hearing to present its reasons and try to obtain permission for the evaluation;

A declaration that the child's educational status will not be changed without the knowledge of the parent, or until the notice and due process procedures have been exhausted; and

A written statement of parents' rights in the special education process.

Parents' Refusal

If the parents refuse to give permission for an evaluation, the LEA should attempt to seek resolution through individual conference(s). If the parents continue to refuse consent for the proposed evaluation, the school/public agency may request a due process hearing to obtain a decision to allow the evaluation without parental consent. The parent must be notified of this action and the parent is entitled to all due process hearing rights.

Comprehensive Evaluation

The purpose of evaluation is to determine the presence of a handicapping condition which results in an educational deficit and the corresponding need for specially designed instruction. Evaluation data is utilized in program planning, including the determination of need for special education and related services.

NOTE: It is the responsibility of the LEA to ensure that a comprehensive evaluation is

conducted. SDE Form 4 may be utilized for this purpose.

Assessment Safeguards

As required by federal regulations, the following conditions must be met regarding evaluation of a student prior to placement in a special education program:

1. Tests and other evaluation materials:

   a. Are provided and administered in the child's native language or other mode of communication unless it is clearly not feasible to do so;

   b. Have been validated for the specific purpose for which they are used; and

   c. Are administered by qualified personnel in conformance with state policies.

2. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.

3. Tests are selected and administered so as best to ensure that when a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (except where those skills are the factors which the test purports to measure).

4. No single procedure is used as the sole criterion for determining an appropriate educational program for a child.

5. The evaluation is made by a multidisciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of suspected disability.

6. The child is assessed in all areas related to the suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

7. Testing and evaluation materials and procedures used for the purposes of evaluation and placement of handicapped children must be selected and administered so as not to be racially or culturally discriminatory.

Assessment Components

The assessment of a child suspected of having a handicapping condition will be conducted by a multidisciplinary team. In order to provide a comprehensive view of the child from the perspective of the school and home, the following information must be obtained and considered in the evaluation process and placement decision:

SCHOOL INFORMATION will include, but not be limited to, an assessment of the following areas:

1. Educational functioning: An assessment will be made of the child's educational functioning in relation to the academic program of the school or age appropriate environment, and the results of this assessment shall be expressed in terms of both the child's strengths and weaknesses. The assessment should be comprehensive, using a full range of instrumentation and observations, including formal diagnostic tests and other appropriate and informal measurements.

2. Psychomotor and sensory development: An assessment also will be made of the child's psychomotor and sensory development, including audiological and opthalmological or optometric examination if deemed necessary. For deaf and hard-of-hearing children, age of onset and cause will be checked. For multihandicapped and orthopedically impaired children, information about the child's motor functioning is important to the assessment process. Evaluation of motor areas does not require referral from a physician (see pp. 39-40).

3. Normed adaptive behavior: An assessment also will be made of the child's adaptive behavior in the school setting based on observations and records and the use of normed adaptive behavior scales. Children who have a speech impairment as their primary handicap may not need an adaptive behavior assessment.

4. Social background history: The history may include existing pertinent data such as the student's medical records, reports from other provider agencies, reports of previous evaluations and cumulative records.

HOME INFORMATION will include:

1. Normed adaptive behavior in the home as perceived by his parents, guardians, or principal caretakers.

2. The sociocultural background of the child.

3. The child's health and developmental history.

Modification of Procedures for Children with Linguistic or Cultural Differences

No assessment will be attempted when a child is unable to respond to the tasks or behavior required by a test because of linguistic or cultural differences unless culturally and linguistically appropriate measures are administered by qualified persons. When appropriate measures and/or qualified persons are not available, diagnostic-prescriptive education programs will be used until the child has acquired sufficient familiarity with the language and culture of the school before a formal assessment is conducted.

Persons interpreting assessment information and making educational decisions will be qualified to administer the various measures and qualified to take cultural differences into account in interpreting the meaning of data from the home and the school.

When a child whose primary home language is other than English, the following conditions must be met:

1. The examiner is fluent in both English and the primary language of the home; or

2. There is available to the examiner, an interpreter fluent in the primary language of the home; and

3. Tests used must contain sufficient nonverbal material to enable a valid, reliable decision to be made as to the individual's probable level of educational functioning.

Speech

More than one assessment procedure must be used to determine the existence of a speech and/or language impairment. This includes when speech is the primary handicapping category, as well as when it is a related service. Refer to *Speech and Language Guidelines in Oklahoma* for specific evaluation information.

Other considerations

For children who may benefit from an augmentive communication device or system, specific evaluation procedures must be followed. See pages 58-59.

Specific Examiner Qualifications

Individuals qualified to administer tests for possible placement in classes or programs for the *mentally handicapped* and for the *learning disabled:*

1. Psychiatrists
2. Licensed psychologists
3. Certified school psychologists
4. Certified school psychometrists
5. State merit board qualified examiners

For possible placement in a class or program for the *seriously emotionally disturbed*:*

1. Psychiatrists
2. Licensed psychologists
3. Certified school psychologists
4. Approved State merit board qualified psychologists (i.e., Psychological Assistant and Psychologist positions in certain state agencies)

For possible placement in a class or program for the *visually handicapped*:*

1. Ophthalmologists
2. Optometrists

* For intellectual and academic evaluations, qualified psychologists include licensed psychologists, certified school psychometrists, certified school psychologists, and approved merit board examiners.

For possible placement in a class or program for the *orthopedically impaired**:

1. Medical doctors
2. Osteopaths
3. Licensed Physical Therapists
4. Licensed Occupational Therapists

For possible placement in a class or program for *other health impaired**:

1. Medical doctors
2. Osteopaths
3. Certified speech pathologists
4. Licensed speech pathologists
5. Approved merit board speech-language pathologists

For possible placement in a class or program for the *speech or language impaired*:

1. Audiologists
2. Certified speech-language pathologists
3. Approved merit board speech-language pathologists
4. Licensed speech-language pathologists

For possible placement in a class or program for the *deaf/hard-of-hearing**:

1. Audiologists
2. Medical doctors

For possible placement in a class or program for the *multihandicapped**:

Combination of above qualified examiners, based on the child's specific concomitant impairments.

Reevaluation

The purpose of the reevaluation is to review the effectiveness of the student's special education program, determine whether the student can move into a less restrictive environment, and redetermine the handicapping condition.

Reevaluations must be comprehensive and include the required components of the initial evaluation. For those impairments other than mental retardation, learning disabilities, serious emotional disturbance and multihandicapped (if one of the impairments is retardation), the reevaluation would not necessarily include an intellectual assessment. If, on the previous evaluation(s), intelligence had been ruled out as related to the suspected disability, the multidisciplinary evaluation team would document such findings on the Multidisciplinary Evaluation Team Summary (SDE Form 4). This reevaluation must be conducted every three years or more frequently if conditions warrant or if the child's parent or teacher requests an evaluation. A new Categorical Eligibility Statement (SDE Form 8) must be completed upon reevaluation.

A wealth of information on the student should already be present at the time of reevaluation. This historical information is vital to addressing the effectiveness of the special education program. Sources include: information from the previous evaluation; IEP goals and objectives (and the extent to which they have been achieved); teaching methods and materials previously used; information from past parent

* For intellectual and academic evaluations, qualified psychologists include licensed psychologists, certified school psychometrists, certified school psychologists, and approved merit board examiners.

conferences about the student's adaptive behavior within the community and educational settings; and previously administered standardized achievement tests. A review of this historical information gives a perspective for the current assessment and determines the manner in which the reevaluation will proceed.

Results of the reevaluation should address the following questions:

1. Does the student continue to meet the criteria for eligibility relative to the specific handicapping condition?

2. What are the student's current educational needs?

3. Based on the student's current performance, are special education services still necessary, or can the needs of the student be met in a regular education program with supplementary regular education services?

4. What special or regular education services are recommended?

5. If the multidisciplinary evaluation team recommends continued eligibility, is a less restrictive environment recommended?

   If the multidisciplinary evaluation team determines that a student is not eligible for special education services and complete integration of the student into the regular education program is recommended, what steps are necessary to ensure a smooth transition?

6. What are the secondary level students' vocational education needs, and what steps are necessary to ensure a smooth transition to vocational or career placements after high school? [A vocational assessment (including vocational interest, aptitude, and adaptive behavior) is an integral component of the comprehensive assessment of secondary students.]

Independent Evaluation

"Independent evaluation" means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question.

The LEA shall inform parents by providing a written statement and explanation of their rights (Parent Permission and Notification of Meeting forms) that they have the right to obtain an independent evaluation at public expense if they disagree with the evaluation provided by the local school district. However, the LEA may initiate a hearing to show that its evaluation is appropriate. If the hearing decision is that the evaluation is appropriate, the parent still has the right to an independent evaluation, but not at public expense. The LEA should provide to the parents a list of where independent evaluations can be obtained. If the parent obtains an independent evaluation at his/her own expense, the results of the evaluation:

1. must be considered by the LEA in any decision made with respect to the provision of a free appropriate public education to the child; and

2. may be presented by either party as evidence at a hearing regarding that child.

If a hearing officer requests an independent evaluation as part of a hearing, the cost of the evaluation must be at public expense. Any and all evaluations conducted at public expense (including independent

evaluations) must be conducted by personnel licensed and/or certified by the appropriate regulatory agencies and/or boards according to Oklahoma policies for special education.

Multidisciplinary Evaluation Team Summary

In order to document and carefully consider the comprehensive, individual evaluation findings, the school will complete a Multidisciplinary Evaluation Team Summary (SDE Form 4 may be used for this purpose). This form serves to integrate assessment information from various sources and professionals. All areas of assessment (according to the child's suspected disabilities), will be addressed on this form by the multidisciplinary evaluation team. Team composition may vary, based upon consideration of each individual child; however, the team must include a special teacher certified in the area of the child's suspected disability. Other evaluation team members which might be included could be persons who were involved in assessing the child's functioning in the areas of suspected disability. For example, a speech-language pathologist, physical therapist, remedial reading teacher, psychometrist, or school psychologist who conducts evaluations and/or provides knowledge about the meaning of the evaluation data might become a member of the multidisciplinary evaluation team for individual children. For children suspected of having a specific learning disability, additional team members are required and the Learning Disabilities Evaluation Summary will also be completed (see p. 39). Compilation of this information will assist the team in determination of the child's current educational needs, strengths and weaknesses, implications of the findings on the child's educational progress, and whether special education services are necessary.

The Multidisciplinary Evaluation Team Summary (and, where appropriate, the Learning Disabilities Evaluation Summary) will facilitate interpretation of the comprehensive evaluation results to the parents and explanation of any handicapping condition(s). Team determination of categorical eligibility for a particular handicapping condition and explanation to the parents is documented on the Categorical Eligibility Statement (SDE Form 8).

PROGRAMS OR CLASSES

CLASS TYPE	EVALUATION	ELIGIBILITY STANDARDS	CASELOAD **
Visually Handicapped	Ophthalmological Optometric Educational Intellectual* Adaptive	Corrected visual acuity of 20/70 or less, or visual field no greater than 20 degrees in the better eye, or a visual impairment which, even with the best correction, adversely affects performance in a regular class	25 lab 10 self-contained
Deaf-Blind***	Audiological Ophthalmological Educational Intellectual* Adaptive	Functional impairment in both hearing and vision so severe that they cannot be served in classes solely for deaf or blind	10 self-contained
Deaf/Hard-of-Hearing	Audiological Educational Intellectual* Adaptive	40 minimum decibel loss or hearing impairment which even with best correction adversely affects performance in a regular class	25 lab 15 self-contained
Multihandicapped	Educational Medical Intellectual Adaptive	Two or more impairments so severe that they cannot be served in programs solely for one of the impairments	10 self-contained
Mentally Retarded Educable Trainable	Intellectual Educational Adaptive	Deficits in intellectual functioning and adaptive behavior I.Q. 50-75 I.Q. 30-50	25 lab 15 self-contained 10 self-contained
Orthopedically Impaired (Physically Handicapped)	Medical Educational Intellectual* Adaptive	Physically handicapped to the extent of needing special education	25 lab 15 self-contained

* On reevaluation, intellectual assessment may not be required. See the reevaluation section, pages 33-34.

** Caseload is based on a full-time special teacher. Less than full-time will be prorated.

*** A child categorized as deaf-blind should be referred to the Oklahoma State Department of Education to determine eligibility for certification and placement on the Title VI-C State and Federal Deaf-Blind Registry.

NOTE: "Educational" would include developmental information as handicapping condition/age appropriate.

NOTE: For those children referred for evaluation under "early childhood" guidelines, the evaluation must include developmental assessment. Refer to pages 59-63.

PROGRAMS OR CLASSES

CLASS TYPE	EVALUATION	ELIGIBILITY STANDARDS	CASELOAD**
Other Health Impaired	Medical Educational Intellectual* Adaptive	Chronic or acute health problems which adversely affect child's educational performance	25 lab 10 self-contained
Seriously Emotionally Disturbed	Psychological Educational Intellectual Adaptive	Emotional problems adversely affecting performance in regular class	25 lab 10 self-contained
Learning Disabilities	Educational Intellectual Classroom Observation Adaptive	Severe discrepancy between achievement and intellectual ability which is not correctable without special education and related services	25 lab 10 self-contained
Speech OR Language Impaired	Individual diagnosis and assessment Individual diagnosis and assessment	Indication of disorder, deviation or general developmental delay in communication skills which adversely affect educational performance --- Receptive and expressive disorders, auditory perceptual difficulties which adversely affect educational performance	1990-91: 70 1991-92: 65 1992-93: 60
Itinerant Teacher Direct Services Homebased --- Indirect Services	See handicapping category	See individual handicapping category	Maximum case load of 25 --- Maximum case load of 40

* On reevaluation, intellectual assessment may not be required. See the reevaluation section, pages 33-34.

** Caseload is based on a full-time special teacher. Less than full-time will be prorated.

NOTE: "Educational" would include developmental information as handicapping condition/age appropriate.

NOTE: For those children referred for evaluation under "early childhood" guidelines, the evaluation must include developmental assessment. Refer to pages 59-63.

J. Speech and Language

The determination of adverse effect on educational performance

"Educational performance" involves all of the basic skills of reading, writing, mathematics and oral communication. In conducting the multidisciplinary evaluation for a speech and/or language impaired student, the multidisciplinary evaluation team will document that a student has a speech and/or language impairment involving impaired communicative performance in settings beyond the testing room. Such documentation can be obtained by assisting the regular education teacher in completing a checklist detailing behaviors of the student in the classroom which may adversely affect his/her educational performance. Checklists might include specific questions such as: "Does the student participate in class discussion?" "Does the student understand verbal directions?" "Do other students tease the student about the way he/she talks?" Many districts have specific checklists prepared to document adverse educational effects. See examples in *Speech and Language Guidelines in Oklahoma*.

The Special Education Section of the SDE has not presented an official interpretation of the phrase "adversely affects educational performance." However, the phrase "adversely affects educational performance" is not intended to imply that the student must be below grade level or must be failing in an academic area in order to be eligibile as a speech and/or language impaired student. Students may be doing very well academically but may not be performing appropriately in the educational environment relative to aural/oral communication which is, in and of itself, a basic skill.

Examples of students who may be doing very well academically but may still be eligible as speech and/or language impaired are the following:

1. A gifted student who stutters and has related problems contributing to class discussions

2. A first grader who is ahead of peers in many developmental areas, but has multiple articulation errors that affect intelligibility during "show and tell" and other educational activities

3. A third grader who is an above average reader, but exhibits a voice disorder during classroom verbal interactions such as giving book reports, oral reading and class discussion

K. Additional Procedures for Learning Disabilities

The multidisciplinary evaluation team for learning disabilities will require additional team members, and procedures can then be followed to complete the Learning Disabilities Evaluation Summary (SDE Form 5).

Team Composition for Learning Disabilities

The LD multidisciplinary and learning disabilities evaluation teams will minimally include a learning disabilities teacher; at least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, psychometrist, speech/language pathologist, or remedial reading teacher (Diagnostic Team Member); and a regular teacher. (If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his/her age would serve on this team. If the child is less than school age, an individual qualified by the state education agency to teach a child of his/her age shall serve on this team).

Learning Disabilities Observation

Separate documentation of observation(s) of the child's academic performance in the regular classroom setting is required. The observation(s) must be conducted by at least one member of the learning

disabilities evaluation team other than the child's regular teacher. (The regular teacher is considered to be the person who has the primary responsibility for teaching the student.)

The information documented during the observation(s) is summarized on the Learning Disabilities Evaluation Summary; however, the actual observation form(s) is maintained as part of the confidential folder as well.

Learning Disabilities Evaluation Summary (Written Report)

The learning disabilities evaluation team will meet to review and interpret all information gathered concerning the student and complete the Learning Disabilities Evaluation Summary (SDE Form 5).

The purpose of evaluation is to integrate background and individual performance information into a comprehensive picture of how a particular student functions in an academic setting. In order to assure that a comprehensive multidisciplinary assessment has been conducted, information should include educational performance, intellectual functioning, sensory intactness, and health status.

This team may determine that a child has a specific learning disability if the child does not achieve commensurate with his/her age and ability levels and has a severe discrepancy between achievement and intellectual ability in one or more of the following areas: Oral Expression, Listening Comprehension, Basic Reading Skills, Reading Comprehension, Written Expression, Mathematics Calculation, and/or Mathematics Reasoning.

In interpreting evaluation data and determining if a student has a specific learning disability, the team should draw upon information from a variety of sources. These should include, but are not limited to: individual evaluation results, observation, adaptive behavior, classroom performance, aptitude and achievement tests, health data, teacher recommendations, and social and cultural background information.

When applying a mathematical discrepancy model, it must be used **ONLY** as a guideline -- it is **ONE PIECE** of the evidence a team needs to determine a learning disability.

This team must consider and document exclusionary factors. The team may not identify a child as having a specific learning disability if the severe discrepancy between ability and achievement is primarily the result of: a visual, hearing, or motor handicap; mental retardation; emotional disturbance; or environmental, cultural or economic disadvantage.

This entire process is to be used for all new referrals considered for LD placement and each re-evaluation (at least every three years).

This team can then complete the Categorical Eligibility Statement by including an administrative representative. The evaluation results and the child's eligibility for services are explained to the parent. If the child is eligible for services, this team (by including the parent) can develop the IEP.

L. Physical Impairment

When it is suspected that a physical impairment is interfering with a child's functioning in the regular educational environment, the LEA should proceed through the Step-By-Step Service Delivery Procedures, pages 28-29.

Referral information will provide a description of any observed physical limitations or motor impairments. Subsequently, the comprehensive evaluation conducted by the multidisciplinary team shall include assessment of the purported areas of physical limitation as well as all areas related to the suspected disability.

With regard to the physical functioning of the child, this individual evaluation will be designed to confirm the nature and degree of this suspected disability. The appropriate specialist to conduct this portion of the multidisciplinary team evaluation may be a physical therapist or occupational therapist.

The Physical Therapy Practice Act of the State of Oklahoma requires a physician's referral prior to treatment of the student by a physical therapist. A physician's referral is not required for screening and educational procedures conducted by a physical therapist. A physician's referral is not required for any action by an occupational therapist.

A multidisciplinary team in receipt of thorough evaluation results may determine that, because of a physical impairment which adversely affects educational performance, a child is eligible for special education.

Upon determination of eligibility for special education, the IEP team will develop an appropriate program for the child. The type of service delivery as well as the frequency and duration of services shall be determined by the IEP team. When a physical therapist is the person responsible for a treatment objective on an IEP, a physician's referral would be required prior to implementation. The local district is responsible for obtaining this referral as well as any relevant medical information required to conduct a multidisciplinary evaluation. It may be local district policy to obtain a physician's referral prior to evaluation and any subsequent treatment by a physical or occupational therapist.

While a physical limitation or motor impairment may not adversely affect a child's educational performance, a child may meet the definition of "handicapped" under Section 504 of the Rehabilitation Act of 1973. OCR has stated that a person with a physical impairment which substantially limits one or more major life activities is a handicapped person.

M. Categorical Eligibility Statement

Within 15 school days of the receipt of the comprehensive evaluation, a team must meet to consider the results of the multidisciplinary evaluation and to determine the categorical eligibility of a child for special education services. Within this time period, the team must also meet with the parents to explain their child's evaluation results and their child's eligibility for special education services, as documented by the Categorical Eligibility Statement (SDE Form 8).

The team will review and consider information from the Multidisciplinary Evaluation Team Summary in preparation for determining categorical eligibility. In making eligibility decisions, the team shall draw upon information from a variety of sources and ensure that the decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.

The Categorical Eligibility Statement will be completed in a meeting with the parents by a special education teacher, a regular education teacher, an administrative representative, a person knowledgeable about the meaning of the evaluation data, and others as appropriate.

NOTE: For preschool children, this meeting with the parents must include at least a special education teacher and an administrative representative. A regular education teacher would not be required if consideration of normal development is documented either through consultation to or professional training of the special education teacher.

The primary category considered to be appropriate for the child's handicapping condition must be listed on the Categorical Eligibility Statement. The term used for the category should be the same as the term used to report child count (refer to "Definitions," pp. 8-10). If a child is categorized as

multihandicapped, the specific concomitant conditions (severe conditions which co-exist) must also be listed (e.g., "Multihandicapped: Trainable Mentally Retarded/Orthopedically Impaired").

Signatures of all team members and the title of their positions must be listed on this form to indicate their participation. Written notice must be given to the parent before the school or public agency proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child. The evaluation data and the child's eligibility for services must be explained to the parent(s). The parent's signature on the Categorical Eligibility Statement will document that this requirement has been met.

If the child is eligible for services, it is then possible for this team and the parent to write the IEP. If the child is *not eligible* for special education, the team must so indicate, and should provide recommendations for service in the regular education environment in writing at the bottom of the Categorical Eligibility Statement. The school/public agency or parent may request a due process hearing concerning the proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child.

N. Individualized Education Program

The IEP has two main parts:

Part I

The IEP team meeting: Parents and school personnel *jointly make decisions* about a handicapped child's program, and

Part II

The IEP document (SDE Form 9): *a record of the decisions* reached at the meeting. (For detailed instructions on completing the IEP form, refer to pp. 47-52.)

The IEP team meeting and program have the following purposes:

1. To provide for parental involvement in educational decisions;

2. To protect the rights of parents, children, and districts;

3. To ensure that each handicapped child is provided special education and related services appropriate to his/her special learning needs;

4. To ensure accurate and timely communication between all participating parties to: identify the child's strengths, educational deficits, special services to be provided, the anticipated outcomes, and procedures for evaluating child progress; and

5. To include transitional planning to span the gap between school and independent living status.

An IEP must be written in a team meeting before a child is placed in a program and special education and related services are initiated.

All appropriate related services such as speech and/or language, physical therapy, occupational therapy, adaptive physical education transportation, etc. should be addressed on *one IEP*. There will not be a separate IEP for any related service. All blanks on the IEP form are to be completed.

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The IEP must be in effect at the beginning of the school year for continuing students.

If the LEA does not have an appropriate program for the child, the LEA has up to 30 calendar days from the date the child is declared eligible for service to write an IEP, locate an appropriate program, secure a transfer, arrange transportation and initiate services for that child.

Team Participants

The IEP team is composed of the child's parent, an administrator or administrative representative, the regular teacher, the special teacher, the child, and others as appropriate.

NOTE: One of the team members should be the child's teacher. An IEP team for a preschool child must include at least a special education teacher and an administrative representative in addition to the parent. A regular education teacher would not be required if consideration of normal development is documented either through consultation to or professional training of the special education teacher.)

Ideally, the evaluation member on the team should be the one who conducted the evaluation. This person should be present to interpret the test results for the team which includes the parents. Practically, it may be a person already on the team who is knowledgeable about the evaluation procedures used with the child and is familiar with the results of the evaluation.

The administrative representative could be either a teacher, principal, supervisor, or other administrator, providing the person serving in that capacity has the authority of the chief school officer and the local board of education to commit district resources and services. The resources and services agreed upon at the IEP meeting shall be provided and may not be vetoed at a higher administrative level.

NOTE: It is suggested that in the case of a severe disability where unusual expense is anticipated, the chief school officer should participate in person.

While it is necessary to ensure that all direct service personnel who work with a handicapped child are informed about and involved in implementing the child's IEP, this does not mean that they must all attend the IEP meeting.

Initial IEP/Placement

For initial placement, written parental consent must be obtained before placement of a handicapped child in a special education program. Steps must be taken to ensure that one or both of the parents of the handicapped child is present at the initial placement meeting. Written notice must be provided before proposing to initiate or change the child's educational placement. Documentation of efforts to contact parents should be maintained. (Refer to Section XVI for appropriate forms.) If parental consent for initial placement is refused, the school/public agency may request a due process hearing to determine if the child initially may be provided special education without parental consent.

IEP/Placement Review

Each school/public agency shall document steps taken to afford parents the opportunity to participate in team meetings. Documented efforts to contact parents and to provide written notice to parents before proposing to initiate or change the child's educational program must be maintained.

After an IEP has been developed by a team and is being implemented, significant changes in the amount of services listed in the IEP cannot be made without providing the parents the opportunity to attend an IEP team review meeting to discuss these changes, with *prior written notice* of these changes provided to the parents. However, as long as there is no change in the overall amount of services,

some adjustments in scheduling should be possible (based on the professional judgment of the service provider) without holding another IEP meeting. For example, if a service is changed from two half-hour sessions per week to three twenty minute sessions, this generally would not require another IEP meeting.

The IEP must be reviewed at least annually (more frequently if needed) by a team consisting of the parents, administrator or administrative representative, regular teacher, special teacher, the child, and others when appropriate (see "Early Childhood," p. 60, for preschool children). At the annual review, a Review of Placement/IEP form (SDE Form 10) must be completed and a new IEP developed.

The procedures used by the LEA to notify parents must include at least two documented contacts of the parent, one of which is a personal contact. Written notice must also be included as one contact. If neither parent can attend a team meeting, the public agency shall use other methods to ensure parent participation, including individual or conference telephone calls. Records of such efforts must be maintained. A meeting may be conducted without a parent in attendance if the public agency can document it has been using reasonable efforts to involve the parent(s). It would be appropriate for agency staff to come prepared with the evaluation findings, and, in some cases, with recommendations regarding the kinds of special education and related services to be provided. However, the agency must make it clear to the parents from the onset of the meeting that the services proposed by the agency are only recommendations for review and discussion with the parents.

Any team member may initiate a review of placement meeting when revision of the IEP is needed. The IEP should reflect services provided to a child at all times.

A review of placement meeting should occur following reevaluation to review the present program and discuss the new evaluation information.

Secondary Program

Prior to the end of the spring semester of the 8th grade school year, the IEP team will determine, for every special education student, a goal for completion of an appropriate secondary education program. For students in the 9th or 10th grade during the 1990-91 school year, such a determination will also be made by the IEP team. Completion of a secondary education program may be accomplished by the student through meeting all requirements for a diploma or a certificate of attendance and completion. The IEP team will be responsible for selecting the type of secondary program which is appropriate, based on the individual educational needs of the student. The type of secondary education program selected may be changed, as appropriate, by the IEP team. The IEP team shall also develop and write appropriate educational objectives geared to completion of the secondary education program selected, including all appropriate modifications required in the regular classroom. Thorough documentation in the student's transcript and IEP, including completion of the IEP "Evaluation Procedures" and "Objective Achieved" columns, is required to determine if an appropriate secondary education program has been completed.

For those students in their junior/senior year, the annual review team should include a vocational rehabilitation counselor and others as appropriate for the transitional planning of the IEP and (for eligible students) the IWRP.

A review of placement/IEP meeting must be held at the end of a student's senior year in order to document the completion of a secondary program in accordance with the IEP and state regulations. A Review of Placement/IEP form (SDE Form 10) must be completed.

For each type of secondary program, schooling for the special education student through the age of 21 is permitted if necessary for completion of the secondary education program selected by the IEP team; however, schooling through the age of 21 for all special education students is not necessarily required.

Regular Classroom Placement

When a handicapped child is placed in the regular classroom and modifications (adaptations) must be made to accommodate for the child's disability, these modifications (adaptations) must be included in the IEP.

If a handicapped child is being served totally within the regular class with an IEP and the child is to be counted as served (for federal and state funding), there must be an indirect service provider certified in the category of the child's disability. This person will: (1) serve on the following teams: multidisciplinary evaluation, IEP, and review of placement; and (2) act as a consultant to provide special teaching materials and methods to the regular teacher. The IEP should include progress checks, and delineate services provided by the indirect service provider (see "Consultative Teacher Program", p. 12).

Out-of-District Placement

When an LEA proposes the placement of a child in a program located in another district or agency, the home district is responsible for conducting the initial IEP meeting. The IEP must be developed before the child is placed in the other district or agency, since it describes the special education and related services to be provided. A representative of the receiving school or agency should be present when the IEP is written.

If the program is located in a co-op, the home district may allow a co-op director to serve as its administrative representative on the IEP team if the home district and the co-op have a written agreement or policy describing the co-op director's role. This representative should be involved especially in those instances where a parent or guardian is seeking a free, appropriate public education from another agency or where unusual expenses will be incurred.

NOTE: Once a child enters a program that is in another district or agency, any meeting to review and revise the child's IEP could be conducted by either the LEA of residence or the other district or agency. However, both districts should be represented, and the home district remains responsible for monitoring the program to see that appropriate educational services are provided. A complete folder which documents the provision of full educational opportunity and procedural safeguards must be maintained by the district of residence.

Interim I.E.P.

The following guidelines should be utilized in the development of any interim IEP:

1. An IEP must be developed which sets out the specific conditions and timelines for placement.

2. The parents must be given opportunity to participate in the development, review, and any needed revision of the child's IEP.

3. A specific timeline must be set for completing the evaluation, including the attainment of prior records (if possible within a reasonable time period), and making judgments about the most appropriate placement for the child.

   NOTE: These activities must be completed within 30 calendar days.

4. At the end of this placement, a meeting must be conducted to review and finalize the child's IEP (and, if applicable, the Categorical Eligibility Statement). The finalized version will be developed by the team before the interim form(s) have expired. The new IEP should be written to include

educational (academic) goals and objectives. Only one interim IEP (and Categorical Eligibility Statement) can be developed and these cannot extend beyond 30 calendar days.

Initial Placement

An interim IEP may be devleoped for an eligible handicapped child receiving services for the first time, as part of the evaluation process to aid in the determination of the most appropriate placement based on the child's needs. The child could then be placed in a program on an interim basis.

Before action is taken to initially place a child in a special education program, eligibility as a handicapped child must be determined based on a full and individual evaluation of the child. The Categorical Eligibility Statement must be completed to document this, and an interim IEP could then be developed if necessary.

Written parental consent must be obtained before initial placement and implementation of the interim IEP.

Enrollment of Previously Identified Student

When a handicapped child has been receiving special education services and moves to another LEA, the new LEA must conduct a review of placement/IEP meeting. All IEP/review team meetings for school-age children must include: (1) a teacher certified in the handicapping condition of the child; (2) the child's parent; (3) an administrator or administrative representative; and (4) the regular classroom teacher (see "Early Childhood," p. 60, for preschool children). The team must review and consider the continuum of alternative placements (see pp. 21-22) before deciding which is the most appropriate placement, in order to meet the needs of the individual student in the least restrictive environment.

Documentation of the records received by the local school district can be done on the Review of Placement/IEP form.

The following guidelines should be utilized:

1. The district will obtain school records from the previous district (see Authority to Transfer Education Records form, SDE Form 12). If the district requests records from an agency other than an educational agency or institution, the district should complete the Consent to Release Information (Third Parties) form (SDE Form 13).

2. If the new district is unable to obtain complete school records but does have confirmation from the parent and/or the previous school that the child has been served in a special education program, the district will, within one week*, conduct a team meeting for the purpose of reviewing placement. The team will complete the Review of Placement/IEP form, an Interim Categorical Eligibility Statement, and an Interim IEP. The child must be placed in a special education program immediately after the interim IEP is developed.

3. If the parent has a copy of the child's IEP and other records, the district will, within one week*, conduct a team meeting for the purpose of reviewing placement. A Review of Placement/IEP form will be completed at this time.

   If records do not contain sufficient information to document categorical eligibility, the team will complete an Interim Categorical Eligibility Statement and an Interim IEP. The team will also initiate referral and parent permission for testing, if necessary.

* Seven calendar days excepting school holidays and summer vacations when school is not in session

If records are complete, the team may either (a) document on the Review of Placement/IEP form their agreement to continue implementation of the IEP from the previous school district, or (b) develop a new IEP.

The child must be placed in a special education program immediately after any IEP is developed.

4. If the school has not been informed that a child was previously receiving special education services, but then receives records from a previous school indicating special education placement, the school must, within one week*, conduct a team meeting for the purpose of reviewing placement. A Review of Placement/IEP form will be completed at this time. The school will then follow the procedures as outlined in Step 3.

Computerized IEP

There is no required format for the computerized IEP; however, the required information on the state-adopted IEP must be included on the form.

NOTE: Besides indicating parent present, some statement should be made concerning parent participation (e.g., "Were you (parent) encouraged to participate in the development of this individualized education program?") Leave space after each area of short-term instructional objectives in order that additions might be made during the team meeting.

It is permissible to take a computerized IEP printout into the team meeting, provided it contains the required components of the IEP in a format understandable to persons attending the IEP meeting. Use of "codes" (numbers, letters, etc.) may not be acceptable. Recent OCR investigations have challenged this. IEP team members must be allowed the opportunity to make additions and deletions to the prepared printout.

The printout, with additions or deletions noting the team action, may become the finalized IEP which documents team action. The signatures of team participants must appear on the final printout. This ensures the development of an IEP in compliance with federal regulations and state policies. The LEA must ensure that all individuals who have access to this IEP understand each of the components in its finalized form.

NOTE: A computerized IEP format must have prior approval by the Oklahoma State Department of Education, Special Education Section, before being adopted for use by the LEA. This can be submitted as part of the LEA's district plan or district plan update.

* Seven calendar days excepting school holidays and summer vacations when school is not in session.

Instructions for Completion of IEP Form

NOTE: If this is an interim IEP, check the box marked "Interim". Refer to pp. 44-46 for further information.

1. Date (date of writing). This date must be complete (month/day/year).

2. Demographic Information:

Name	District	Site	
Address of Student	Grade (grade level)	Birthdate	Age

3. Statement of the Child's **Present** Levels of Educational Performance

The statement of present levels of educational performance will be different for each handicapped child. Thus, determination about the content of the statement for an individual child are matters that are left to the discretion of participants in the IEP meetings. However, the following are some points which should be taken into account in writing this part of the IEP.

a. The statement should accurately describe the effect of the child's handicap on the child's performance in any area of education that is affected, including: (1) academic areas (reading, math, communication, etc.), and (2) nonacademic areas (daily life activities, mobility, etc.).

NOTE: Labels such as "mentally retarded" or "deaf" may not be used as a substitute for the description of present levels of educational performance.

Information annually updated in this section includes results from informal assessments, class tests, observations, achievement tests, charting results, and checklists which summarize the learner's present levels of performance. It is this information which demonstrates the learner's need for special education services and from which an annual instructional plan can be developed.

Data from the formal educational assessment regarding the presence of a handicapping condition (i.e., on initial and 3-year reevaluations) should always appear in this section, but only for the year it was collected. For example, results from ability testing used to determine eligibility would normally be included on the IEP one time, not for each succeeding year until the next reevaluation.

b. The statement should be written in objective (measurable) terms to the extent possible. Data from the child's evaluation would be a good source of such information. Test scores that are pertinent to the child's diagnosis might be included, where appropriate. However, the scores should be: (1) self-explanatory, (i.e., they can be interpreted by all participants without the use of test manuals or other aids), or (2) an explanation should be included. Test results used should reflect the impact of the handicap on the child's performance; thus, raw scores would not usually be sufficient.

c. There should be a direct relationship between the present levels of educational performance and the other components of the IEP; thus, if the statement describes a problem with the child's reading level and points to a deficiency in a specific reading skill, this problem should be addressed under both (1) goals and objectives, and (2) "Specific Special Education and Related Services" to be provided to the child.

d. If either specially designed physical education or specially designed vocational education is required, this component of the IEP must reflect such special programs.

e. If related services are required, this component of the IEP must reflect such service.

4. Summary Statement of Strengths and Weaknesses

Information for these standards should be taken from teacher and parent observations, present levels of education performance, evaluation, and other pertinent sources. These statements should address areas of a child's special learning needs (i.e., verbal/language skills, motor skills, behavior, reading comprehension, computation skills, etc.). Related services, adaptive physical education and special vocational education should be included.

5. Statement Regarding Reason for Removal from the Regular Educational Environment

This should be an individual statement based on the specific needs of the child for whom the IEP is developed. This must be addressed on the IEP of each handicapped child. This statement should help justify why the child is removed from the regular educational environment to this extent in order to provide services to the child.

6. Annual Goals and Short Term Instructional Objectives

Annual goals and short term instructional objectives provide a mechanism for determining (1) whether the anticipated outcomes for the child are being met (i.e., whether the child is progressing in the special education program), and (2) whether the placement and services are appropriate to the child's special learning needs. In effect, these requirements provide a way for a child's teacher(s) and parents to be able to track the child's progress in special education.

a. Annual Goals

The annual goals in the IEP are statements which describe what a handicapped child can reasonably be expected to accomplish within a twelve-month period in the child's special education program. **There should be a direct relationship between the annual goals, the present levels of educational performance, and the short term instructional objectives.**

b. Short Term Instructional Objectives (Measurable)

"Short term instructional objectives" (also called "IEP objectives") are measurable, intermediate steps between a handicapped child's present levels of educational performance and the annual goals that are established for the child. **The objectives are developed based on a logical breakdown of the major components of the annual goals**, and can serve as milestones for measuring progress toward meeting the goals.

In some respects, IEP objectives are similar to objectives used in daily classroom instructional plans. For example, both kinds of objectives are used (1) to describe what a given child is expected to accomplish in a particular area within some specified time period, and (2) to determine the extent to which the child is progressing toward those accomplishments.

In other respects, objectives in IEPs are different from those used in instructional plans, primarily in the amount of detail they provide. IEP objectives provide general benchmarks for determining progress toward meeting the annual goals. These objectives should be projected to be accomplished over an extended period of time (e.g., an entire school quarter or semester). On the other hand, the objectives in classroom instructional plans deal with more specific outcomes that are to be accomplished on a daily, weekly, or monthly basis. Classroom instructional plans generally include details not required in an IEP, such as the specific methods, activities, and materials (e.g., use of flash cards) that will be used in accomplishing the objectives.

Short term objectives must be written for related services as well as for the regular classroom requiring adaptations (modifications), specially designed physical education, vocational education requiring adaptations, or vocational rehabilitation services.

7. Specific Educational and Related Services; Position/Person Responsible; Amount of Time; Beginning and Ending Date; and Evaluation Procedures

The following components of the IEP, in column form, must be addressed in some manner across from each objective.

a. Specific Educational and Related Services

Specific educational services are programs, instruction and/or unique materials and equipment specifically designed to meet the individual educational needs of the student. The type of service delivery must be listed (e.g., lab or resource room, self-contained classroom, itinerant teacher, home-based instruction, regular classroom with adapted material/equipment designed for the hearing, visually, orthopedically, or other impaired; refer to pp. 10-12). If unique/adapted materials and equipment are used, these also must be listed. "Unique" materials are *not* texts or programs normally available in the regular classroom or lab. Modifications or adaptations occurring in the regular classroom must be listed (refer to No. 8 of this section).

Related services are developmental, corrective, and other supportive services which assist a handicapped child to benefit from special education. These are determined by the IEP team and may include transportation, speech/language therapy, psychological evaluations, counseling, and other services (refer to pp. 52-55).

b. Position/Person(s) Responsible

Indicate position or person delivering the service. Parent and student should be included as appropriate.

c. Amount of Time

The amount of time must be: (1) appropriate for that specific service, and (2) stated in the IEP in a manner that is clear to all who are involved in both the development and the implementation of the IEP. Estimate the time allocated to meet the specific objective (e.g., 30 minutes daily, one hour twice a week).

If a group of objectives are interrelated, it is possible to list a block of time for those objectives (i.e., objectives #1, 2, and 3 are specific comprehension skills; the amount of time could state: "Obj. 1-3, 30 minutes/day"). Again, it must be stated in a manner that is clear and understandable.

d. Beginning Date

Indicate the date service is to begin. This date must be complete (include month, day, and year).

e. Ending Date

Indicate the projected date for meeting each objective. This date must be complete (include month, day, and year). In general, the anticipated duration of services will be up to 12 months. However, it is possible for the duration of a service to be longer than one year from the beginning date if it is anticipated that the child will need a particular service for that time. However, this must be reconsidered whenever the IEP is reviewed (at least annually). In other words, the IEP must still be reviewed, and those objectives which will require further attention must be written on a new IEP.

f. Evaluation Procedures

The evaluation procedures must measure and be clearly linked to each short term objective. List evaluation procedures used to determine if short term objectives have been met (i.e., standardized tests, teacher-made tests, observation(s), etc.).

g. Objective Achieved

Indicate by writing, at minimum, "yes" or "no" if each objective has been achieved. This should be done at least annually.

8. Amount of Time in Regular Academic Instructional Classroom/Adaptations (Supplemental Aids and Services)

The amount of time should be listed as appropriate for the situation (e.g., minutes, hours, periods, portion of the day, percentage of time of the school day, etc.).

If adaptations (supplementary aids and services) to the regular education program are necessary to ensure the child's participation in that program, those adaptations must be described in the child's IEP (e.g., for a hearing impaired child, special seating arrangements or the provision of assignments in writing). This applies to any regular education program in which the student may participate, including physical education, art, music, and vocational education.

9. Physical Education

Physical education services, specially designed if necessary, must be made available to every handicapped child receiving a free appropriate public education.

a. *Regular PE with non-handicapped students.* If a handicapped student can participate fully in the regular PE program without any special modifications to compensate for the student's handicap, it would be necessary to simply check "Regular" on the IEP. On the other hand, if some modifications to the regular PE program are necessary for the student to be able to participate in that program, those modifications must be described in the IEP with an objective.

b. *Specially designed PE.* If a handicapped student needs a specially designed PE program, that program must be addressed in all applicable areas of the IEP (i.e., "Present Levels of Educational Performance," goals and objectives, "Specific Educational and Related Services," etc.). However, these statements would not have to be presented in any more detail than the other special education services included in the student's IEP.

c. *PE in separate facilities.* If a handicapped student is educated in a separate facility, the PE program for that student must be described or referenced in the IEP. However, the kind and amount of information to be included in the IEP would depend on the physical/motor needs of the student and the type of PE program that is to be provided.

If a student is in a separate facility that has a standard PE program (e.g., a residential school for the deaf), and if it is determined--on the basis of the student's most recent evaluation--that the student is able to participate in that program without any modifications, then the IEP need only note such participation. On the other hand, if special modifications to the PE program are needed for the student to participate, those modifications must be described in the IEP. Moreover, if the student needs an individually designed PE program, that program must be addressed under all applicable parts of the IEP (see paragraph "b" above).

10. Vocational Education

Each handicapped student must be given information concerning vocational education opportunities prior to the beginning of the ninth grade. If a handicapped student is able to participate in the regular vocational education program without any modifications to compensate for the student's handicap, it would be necessary only to check "Yes" and explain that it is a regular curriculum.

If modifications to the regular vocational education program are necessary in order for the student to participate in that program, those modifications must be included in the IEP. Moreover, if the student needs a specially designed vocational education program, then vocational education must be described in all applicable areas of the student's IEP (i.e., "Present Levels of Educational Performance," goals and objectives, "Specific Educational and Related Services," etc.). However, these statements would not have to be presented in any more detail than the other special education services included in the IEP.

If the child is not participating in vocational education, the IEP should be marked "No". An explanation must be given (e.g., "did not choose these electives," etc.)

11. Vocational Rehabilitation

Every eligible handicapped student must be afforded the opportunity to participate in rehabilitative services as deemed necessary by the IEP team. This decision is based on the student's vocational needs as would enhance his/her transition from school to independent living. The rehabilitation counselor and skills instructor must be involved in the determination of appropriate programming and services. If a program is developed, check "Yes" and then address this area on the IEP with measurable objectives and all other requirements.

If services are not deemed appropriate by the team, "No" should be checked and an explanation given.

12. Least Restrictive Environment

Each area under this heading must be addressed. None can be left blank and each area is applicable to all handicapped students.

a. Check the placement which reflects the least restrictive environment for the child.

b. List options considered and reasons why these options did not seem appropriate at this time.

c. All questions must be addressed.

d. The full educational opportunity should include the extent to which the child will be able to participate in regular educational programs. This would also include non-academic subjects, extra-curricular activities, etc.

NOTE: For example, if a severely handicapped child is expected to be in a special classroom setting most of the time, it is recommended that, in meeting the above requirement, the IEP include any non-curricular activities in which the child will be participating with non-handicapped students (e.g., lunch, assembly periods, club activities, and other special events).

e. "Least Restrictive Environment" question must be answered.

The team must consider the above questions (a-d) in order to determine that this IEP reflects the least restrictive environment.

If "No" is checked, an explanation must be written.

13. Comments

Include any relevant information about the meeting that is not noted elsewhere on the IEP.

14. Date of Next IEP Meeting (to annually review the IEP)

Record the date of the next scheduled IEP meeting (this date must be no longer than one year from the date this IEP was written). This must be a complete date (include month, day, and year).

15. Participants in IEP Development

The IEP must be developed in a meeting. Parents must be present and participate at each meeting or documentation must be present to ensure they are afforded the opportunity to participate as outlined on pages 5-6 of this manual. The members comprising the IEP team are discussed in detail on page 42.

16. Parents' Opportunity to Participate in the IEP Development

Check "Yes" or "No." If "No," explain how parents were given the opportunity to participate and why they did not.

17. State Mandated Group Testing

This documents parental request and subsequent permission for this student to participate in the state mandated testing.

O. Related Services

All handicapped children shall have available an appropriate educational program and related services. "Related services" are supportive services as required for the handicapped child to benefit from their specially designed education.

Definitions of Related Services as Set Forth in Federal Regulation (34 CFR 300.13)

(a) As used in this part, the term "related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a handicapped child to benefit from special education, and includes speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training.

(b) The terms used in this definition are defined as follows:

(1) "Audiology" includes:

(i) Identification of children with hearing loss;

(ii) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;

(iii) Provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation;

(iv) Creation and administration of programs for prevention of hearing loss;

(v) Counseling and guidance of pupils, parents, and teachers regarding hearing loss; and

(vi) Determination of the child's need for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.

(2) "Counseling services" means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

(3) "Early identification" means the implementation of a formal plan for identifying a disability as early as possible in a child's life.

(4) "Medical services" means services provided by a licensed physician to determine a child's medically related handicapping condition which results in the child's need for special education and related services.

(5) "Occupational therapy" includes:

(i) Improving, developing or restoring functions impaired or lost through illness, injury, or deprivation;

(ii) Improving ability to perform tasks for independent functioning when functions are impaired or lost; and

(iii) Preventing, through early intervention, initial or further impairment or loss of function.

(6) "Parent counseling and training" means assisting parents in understanding the special needs of their child and providing parents with information about child development.

(7) "Physical therapy" means services provided by a qualified physical therapist.

(8) "Psychological services" include:

(i) Administering psychological and educational tests, and other assessment procedures;

(ii) Interpreting assessment results;

(iii) Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning.

(iv) Consulting with other staff members in planning school programs to meet the special needs of children as indicated by psychological tests, interviews, and behavioral evaluations; and

(v) Planning and managing a program of psychological services, including psychological counseling for children and parents.

(9) "Recreation" includes:

(i) Assessment of leisure function:

(ii) Therapeutic recreation services;

(iii) Recreation programs in schools and community agencies; and

(iv) Leisure education.

(10) "School health services" means services provided by a qualified school nurse or other qualified person.

(11) "Social work services in schools" include:

(i) Preparing a social or developmental history on a handicapped child;

(ii) Group and individual counseling with the child and family;

(iii) Working with those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school; and

(iv) Mobilizing school and community resources to enable the child to receive maximum benefit from his or her educational program.

(12) "Speech pathology" includes:

(i) Identification of children with speech or language disorders;

(ii) Diagnosis and appraisal of specific speech or language disorders;

(iii) Referral for medical or other professional attention necessary for the habilitation of speech or language disorders;

(iv) Provisions of speech and language services for the habilitation or prevention of communicative disorders; and

(v) Counseling and guidance of parents, children, and teachers regarding speech and language disorders.

(13) "Transportation" includes:

(i) Travel to and from school and between schools,

(ii) Travel in and around school buildings, and

(iii) Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a handicapped child.

Determination of Need

The multidisciplinary evaluation conducted for a handicapped or suspected-to-be handicapped child should provide the information required by an IEP team to determine an appropriate program and related services. Related services will be determined on a case-by-case basis to meet the unique needs of the handicapped child. Provision, frequency, and duration of related services required by a handicapped child in order to benefit from special education will not be determined by handicapping category or availability of services.

IEP Components

All related services as needed by the child must be included on the IEP. The related services required will be reflected in an annual goal and short term instructional objective. The type of service delivery (e.g., transported by private carrier with lift, individual speech therapy, therapy from a Physical Therapist Assistant under the supervision of a physical therapist with consultation once weekly, etc.), the person responsible, projected dates for initiation and duration of services, and evaluation criteria for determining whether the objective is being achieved will also be included on the IEP.

Transportation

It is the responsibility of the district where the child resides to provide transportation. The local school district is responsible for the special education child from the time the student is loaded at the "home curb" until returned and unloaded at the "home curb." The parent or their designee is responsible for "door-to-curb," "curb-to-door," and "street crossing" of the child to the designated loading and unloading point.

Based upon mutual agreement between two participating school districts, a school district offering special education classes may extend its transportation program to include the transportation of students qualifying for special education in an adjacent school district which does not offer special education classes.

The local school district may provide this service directly or contract with parents (or someone other than the school) to furnish transportation. The exact miles driven and exact cost per mile to be paid by the school should be *written in the IEP*. This would be by agreement of the school and the party who does the driving. Since Public Law 94-142 provides that services should be at no cost to the parents, equitable arrangement must be made.

For the home district to be liable for transportation to and from a residential school, the home school must be involved with the planning. Transportation is a related service and must be included as a part of the IEP. The parent and the home school, by signing the IEP, agree on the transportation to be furnished at no cost to the parent.

NOTE: A new IEP must be written each year with related services listed.

P. Special Education Paraprofessionals

Legal Authority and Definition

The *Administrators' Handbook for Elementary, Middle, Junior High and High Schools* states:

> "The State Board of Education, pursuant to (70-13-105), deems it necessary to authorize the use of a trained paraprofessional in the teaching of *handicapped children categorized multihandicapped and deaf-blind.*"

"The State Board of Education defines a trained paraprofessional as a person listed on the paraprofessional register maintained in the Special Education Section of the State Department of Education. These persons will have completed paraprofessional training administered by the State Department of Education. Unless prohibited by statute, the trained paraprofessional may conduct activities of the components of the individualized education program of multi-handicapped or deaf-blind children. The trained paraprofessional will conduct these activities under the direction of a certified special education teacher."

The special education paraprofessional works alongside the special education teacher. With differentiated responsibilities, the paraprofessional carries out the program developed by the special education teacher for multihandicapped or deaf-blind children.

The definition of special education paraprofessionals does not include those individuals who are referred to as classroom teacher aides in the *Administrators' Handbook*.

Duties and Responsibilities

It is essential for the teacher of the multihandicapped to recognize the skill level possessed by the paraprofessional entering the multihandicapped or deaf-blind setting. The paraprofessional will need specific direction in performing activities typically found in the multihandicapped or deaf-blind classroom including self-help skills, communication skills, cognitive skills, preacademics/academics, motor programming such as positioning and handling, behavior management, vocational skills, and daily living skills. The paraprofessional will also need guidance in the use and maintenance of classroom equipment and any adaptive equipment utilized by individual handicapped students. Hygiene is of utmost importance in multihandicapped and deaf-blind classroom maintenance.

Corporal punishment should be administered by certified personnel only, unless stated otherwise in the IEP.

Administrative Procedures

No more than three paraprofessionals, whether full-time or part-time, shall be assigned to a teacher of the multihandicapped. No paraprofessional shall be assigned to more than two teachers of the multihandicapped or two educational facilities. Paraprofessionals may work with individual students, small groups, or the total classroom. The student/teacher ratio for multihandicapped, deaf-blind classrooms will remain the same.

Paraprofessionals may work with or supervise students in the classroom, playground, hall, restroom, therapy area, gymnasium, other specified areas on a school campus, community-based activities, and transportation situations. In some situations the paraprofessional may conduct this supervision without the teacher of the multihandicapped being present. When supervising students without the teacher of the multihandicapped being present, the paraprofessional should have designated certified personnel to which to report for directions and consultation.

Training

A register of trained paraprofessionals will be maintained by the SDE, Special Education Section. To qualify for this register, a person must satisfactorily complete an initial 20 hours of training conducted by the SDE or Oklahoma State Department of Vocational-Technical Education's respite or habilitation curriculum in conjunction with designated portions of the SDE initial training. Following satisfactory completion of the initial training, a paraprofessional will complete an additional six hours of training each school year. This annual training could be coordinated as part of the school's staff development plan and supported through CSPD. The six hours of annual training provided to the paraprofessional

will be specific to the multihandicapped, deaf-blind program to which the paraprofessional is assigned. The paraprofessional and LEA may consider workshops, seminars, and presentations facilitated by various professional organizations and/or other agencies as resources for training opportunities that will be meaningful to the paraprofessional's assignment.

Q. Removal from Special Education Program

A handicapped child *cannot* be removed from a special program until the proper steps are followed:

1. Reevaluation: This may be a complete battery of tests or some documentation that the child's status has changed, and an indication that the child does not appear to need special education to benefit from the educational setting.

   The team must conduct a review and complete the Review of Placement/IEP Form (SDE Form 10) in order to document evidence to support the team decision.

   Additionally, if a comprehensive evaluation is conducted for a learning disabled child, the team would follow all procedures listed previously under "Learning Disabilities."

2. Categorical Eligibility: The multidisciplinary evaluation team must meet and make the final decision concerning eligibility for services. The Categorical Eligibility Statement (SDE Form 8) must be completed and signed by team members (refer to the "Categorical Eligibility" section).

   The evaluation data or evidence that the child's status has changed must be explained to the parent(s). The parent's signature on the Categorical Eligibility Statement will document that this requirement has been met.

3. Written Notice: Written notice must be given to parents before the public agency proposes to change the identification and placement of the child. If the parent is unable to attend the team meeting, the public agency shall document use of methods to ensure parent participation.

IV. RECOMMENDATIONS FOR TRANSPORTING HANDICAPPED CHILDREN

At the beginning of each school year, an orientation for bus drivers who are responsible for handicapped children should be held with special education faculty, school nurse(s), principal(s), and other personnel responsible for adapting the school program to meet the educational needs of students.

Orientation should include information about pertinent physical, mental, and emotional data that a driver may need to know in assisting a handicapped student to ride a bus successfully with his peers.

Following are suggested concerns of which the professional staff should be aware and share with drivers when it is necessary for the welfare of the handicapped student.

1. A communication system must be clearly defined so that information can be shared quickly and efficiently, as necessary, between drivers and personnel responsible for the educational program of handicapped students. It would be helpful if the buses were equipped with a two-way radio system.

2. All physically handicapping conditions that may require assistance from the driver (such as getting off or on the bus because of weather conditions, braces, or prostheses as well as other visual, hearing, or mental disability) should be known prior to the first bus run as soon as possible.

3. The parent or their designee is responsible for "door-to-curb," "curb-to-door" and "street crossing" of the child to the loading and unloading point.

4. Techniques and procedures should be clearly outlined and understood for children that may cause an emergency. The bus driver needs to be aware of children with epilepsy, diabetes, cerebral palsy, etc. Pertinent information should be known by the driver at all times.

5. Drivers will need to know the proper methods for lifting those students with braces, etc., or techniques for strapping students in the seat to assure safe riding in consideration of each child's handicapping condition. Techniques should conform to those that are advocated by the therapist in charge. Drivers should also be aware of the objectives of the therapy program (e.g., if the child can walk independently but prefers the luxury of being carried, the driver should adhere to the program established for the benefit of the child).

6. If there are pupils who, for any reason, need special or emotional support, instructors of these students should assist drivers in understanding and developing techniques to make commuting to and from school a good experience while reinforcing the educational objectives for a particular student.

7. Socialization is necessary for all children. Bus drivers should share in the responsibility of assisting the handicapped to remain as "normalized" as possible with other students. This may be facilitated by the bus driver's developing a posture of expectation, kindness and understanding of each individual's needs, while transporting these students to and from school or other school-related activities.

V. PROCEDURE FOR PURCHASE OF AUGMENTIVE COMMUNICATION DEVICE(S) OR SYSTEM(S)

Introduction

Augmentive (also referred to as augmentative, alternative, and/or assistive, but herein referred to simply as augmentive) communication devices or systems may be appropriate prosthetic solutions for non-speaking individuals whose non-speaking condition may persist throughout life. Additionally, such devices may be appropriate for those individuals whose speech is non-functional at the time of assessment, but who have some degree of potential for improved communication. Augmentive systems assist in reducing frustration arising from inability to communicate, and may be beneficial in improving self-image and self-worth. The effective use of such a system may also serve to facilitate speech and language growth.

Augmentive systems may also be appropriate for persons experiencing a permanent or temporary loss of speech caused by medical/surgical intervention including, but not limited to, intubation, tracheotomy, laryngectomy, and glossectomy.

Assessment

Prior to consideration for purchase of an augmentive device, each individual should be comprehensively assessed in order that an optimal communication system may be selected. Comprehensive assessment should be completed by a multidisciplinary team including a speech-language pathologist, occupational therapist, psychologist, and primary care giver. All professional members of the team MUST be appropriately credentialed (i.e., licensed by the state when applicable, and certified, registered, or otherwise credentialed by a nationally-recognized credentialing body). In addition to the minimal team described above, the team MAY also include, as appropriate, any or all of the following: the client, physical therapist, educator, physician, rehabilitation engineer, vocational counselor, audiologist, social worker, extended family, and advocates. The assessment MUST address the MINIMAL parameters listed below:

1. Physical

   a. Optimal seating and/or positioning; and
   b. Identification and utilization of the most versatile motor skill for operating an augmentive system

2. Intellectual

   a. Continuing assessment of cognitive status; and
   b. Determination of learning style as it relates to behavior and activity level

3. Linguistic

   a. Assessment of language comprehension level;
   b. Assessment of expressive language level;
   c. Determination of optimum (most universal and appropriate) symbol system; and
   d. Assessment of pragmatics in communication

4. Sensory

   a. Assessment of vision;
   b. Assessment of hearing; and
   c. Assessment of tactile/kinesthetic status

The assessment should determine the purpose of the system and the level of communication needed at the CURRENT time (e.g., signaling physical discomfort or emergency; advising care giver of basic care needs; basic interpersonal communication; extensive interpersonal communication; or academic pursuits and advanced communication).

Assessment must be made of the adequacy of the provisions for training primary care givers and support persons in work, educational, or social environs to instruct and assist in the setup, utilization and maintenance of the augmentive system.

Assessment of fiscal and logistic arrangements necessary for continuing therapy and growth in utilization of the system is necessary.

Any assessment should include a narrative description of trial usage of the system recommended and justification of the selection made based on successful use. Time parameters of the trial usage MUST be included. An UNEDITED videotape of the client utilizing the prescribed system SHOULD be included; this is strongly recommended, but not required.

VI. EARLY CHILDHOOD

Beginning July 1, 1990 as assured by P.L. 99-457 and the Oklahoma Early Intervention Act (H.B. 1618), a full range of services will be provided by individual school districts to ALL children with handicapping conditions ranging from MILD TO SEVERE who reach age three by September 1.

Severely handicapped children may begin receiving special education services at birth. These children are operationally defined as those functioning 50% or more below normal expectancy for their age.

Evaluation/Assessment

Children referred for assessment should receive a complete diagnostic multidisciplinary evaluation. The evaluation process is a systematic approach to obtaining information required by state and federal regulations for determining eligibility. This process should involve a multidisciplinary team of professionals, with the collaboration of the parents, in order to ascertain the child's current levels of functioning, intellect and abilities. In order to comply with federal regulations, each child must be evaluated in all areas of suspected disability. The developmental areas of a child under five years of age are so interrelated that a developmental evaluation must be included as an integral component of the multidisciplinary evaluation for a child three through five years of age.

Developmental areas to be evaluated are:

- Physical/Motor
- Cognitive
- Language/Communication
- Psycho-social
- Self-Help

Children referred for assessment should receive a complete diagnostic evaluation that may include psychological, social, medical, and developmental (educational) assessments. Assessment data and related interpretations are used to determine the child's eligibility for special services and to describe present levels of functioning which serve as the basis of IEP development for those children found to be eligible.

Eligibility

Eligibility is the process by which children with handicaps are determined to be in need of special education and related services. A decision regarding eligibility is reached only after a thorough review of all pertinent evaluation information. Eligibility for services is not a permanent decision, but rather is subject to periodic review as the needs of the children change.

The multidisciplinary evaluation team uses the individual data to make a collective professional judgment as to whether the child is eligible for special education.

Children ages 3-5 must be categorized according to specific handicapping conditions (see "Definitions," pp. 8-10). "Developmentally delayed" is not considered to be a category for classifying 3-5 year-olds. "Developmentally delayed" categorization is only an option of Individual Family Service Plan teams in state-operated early intervention units. It may not be used by LEAs serving any children ages birth to three.

Team Composition

Team composition for preschool children remains the same as for school-age children, with the following exception: a regular education teacher is not required on categorical eligibility and IEP (or review of placement/IEP) teams if consideration of normal development is documented either through consultation to or professional training of the special education teacher.

NOTE: For evaluation of a child suspected of having a specific learning disability, 34 CFR 300.540 requires the multidisciplinary evaluation team to include a regular teacher (as well as the other LD team requirements listed on page 38 of this manual).

Service Delivery

The diverse needs of young handicapped children underscore the importance of developing service models which offer alternatives for placement. Currently, in Oklahoma, there are two service delivery models that are used to provide services: the home-based, and the centerbased.

The differences in the models pertain to the setting in which the services are provided. School districts must consider many factors in choosing the model that is most appropriate for the children being served. Neither of these models, however, determines which services will be provided. Each child's IEP determines the appropriate services, and these services must be provided regardless of the model selected by the IEP team. The selection of a particular model cannot be used as the reason to limit the delivery of necessary services. In many instances, a combination of the two models may be the most appropriate service delivery system.

Each of the models includes some degree of parent training to foster the child's development. While the main purpose of each model is the delivery of services to handicapped children and their parents, the designs are different and are delineated as follows:

1. Home-Based Model

   A home-based model is one in which services are delivered primarily in the home setting. The model is characterized by instruction provided to the mother or primary caregiver in activities designed to foster skill development in the child. This instruction is rendered by a professional and may include demonstrations, modeling, or tutoring. The child's needs may indicate that some group experience should be incorporated into the program. This programmatic feature can be achieved in a number of ways, such as bringing several children together in one of their homes for periodic instruction or play. Home-based programs are commonly found in sparsely populated areas and are especially appropriate under the following circumstances: 1) For those children for whom attendance at school would be undesirable for medical reasons; 2) For those for whom the detrimental effects of the travel required would outweigh the benefits of a center-based program; and 3) For those cases in which the parent prefers a home program, provided that the program is designed to meet the special needs of the child.

2. Center-Based Model

   A center-based program is one in which services are provided primarily in a center. Instruction consists of direct teaching to children (i.e., in groups, on a one-to-one basis, or through a combination of both). The ideal location for a public school center-based program is in an elementary school close to the kindergarten classes.

   As with all instructional programs for the preschool handicapped, parent involvement in the child's program is crucial. Parents may be requested to come to the center for observation and consultation with the teacher or with an instructional aide and may be asked to meet with the teacher for regular home visits. The goals of this home/school interaction are continuity for the child and instruction for parents in the skills they need to influence the child's development in a positive manner. Involving the parents in the instruction of their children is as important in a center-based program as it is in a home-based program. Such a component provides time for the teacher to instruct parents in working with their children. Because parent contact is typically less frequent in the center-based type of program, it may be necessary to provide intensive parent training during the beginning of the program.

   Center-based programs are appropriate for a variety of children (e.g., those who can profit from the social aspects of a group; those who require intensive programming; those requiring a variety of related services and/or adaptive equipment; those who need a specialized learning environment; and for those children who do not have someone who can reasonably be expected to carry out instruction at home).

   In meeting FAPE requirements through local education arrangements with Head Start and other integrated environments that serve handicapped and nonhandicapped preschool children, the LEA should:

   1. Assure that the facility is licensed;
   2. Provide for special education personnel through Head Start or an LEA specialist;
   3. Define individual agencies' roles and responsibilities;
   4. Assure the implementation and follow-through of IEPs;
   5. Work with Head Start personnel to maximize the service delivery, cost effectiveness of services, and jointly plan the transition to public school; and
   6. Count children placed in integrated settings on child count and assure that the students are appropriately served by certified or licensed personnel for special education and related services.

Reevaluation

The purpose of the reevaluation process is to provide a systematic follow-up and reassessment of children placed in a program. Reevaluation allows for the projection of updated goals and the formulation of appropriate, supportive objectives. Therefore, the addition or deletion of special services may be determined at any time that a reevaluation or IEP update occurs. Reevaluation assures that an ongoing flexible, yet appropriate, program is being offered to meet the changing needs of the child.

Although some disabilities would not require the use of intellectual or cognitive tests at the time of reevaluations, the developmental changes of children in the early childhood years might require use of these tests to confirm the child's intellectual status. For this reason, there may also be times when a young child should be reevaluated sooner than the three-year time frame.

Caseload

The following applies ONLY to teachers that DO NOT serve any school-age children:

> The preschool teacher's maximum caseload is 20, regardless of the service delivery system. The preschool teacher should never sign more than 20 active IEPs. The majority of large programs have a morning class and an afternoon class similar to many kindergarten programs. The maximum class size for programs serving preschool children only is 10. There should NEVER be more than 10 preschool handicapped children in a class at one time. It is recommended that a classroom assistant or paraprofessional be employed for those programs functioning at maximum class size.

If a school district chooses to provide a full day program ("full day" is defined as the normal length of school day for that district) for preschool aged children with handicapping conditions, the maximum caseload and class size for that program/teacher would be 10.

Transition

If it is determined that a preschool child receiving special education services will continue to need such services when he/she is of school age, all efforts should be made to see that no unnecessary interruption in the delivery of services occurs. Planning should begin well in advance of the time that a child turns five. A child should never be permitted to leave a preschool program without necessary arrangements having been made to enter that child into an appropriate educational program at the beginning of the next year.

Preschool Funds

Preschool funds are formula funds which flow to the state on the basis of the number of handicapped children served, three through five years of age. The funds are meant to assist state and local agencies to provide educational services to young children ages three through five who are handicapped. The use of these funds must be supplemental to existing programs and non-supplantive.

Some appropriate activities for the use of these funds are:

1. Providing special education and related services which include speech or language therapy, occupational therapy, physical therapy, and other related services;

2. Providing essential diagnosis and assessment for children ages three through five;

3. Providing transportation essential to the delivery of services;

4. Providing parents with child development information to promote development and early recognition of problems;

5. Assisting parents in the understanding of the special needs of a handicapped child; and

6. Providing parent counseling and parent training, where appropriate, to enable parents to work more effectively with their children.

VII. PROJECT ECHO (ENRICHING CHILDREN'S HEARING OPPORTUNITIES)

Because a deaf condition is not visible, it can be overlooked. Early identification is essential if a deaf child is to learn language, since language is learned normally by the age of three and one-half to four and one-half years.

Project ECHO is a statewide program for hearing impaired children from birth to six years of age that provides service which includes identification and a home intervention program which teaches parents to:

1. Manage their child's hearing aid;
2. Teach their child to use the hearing he has;
3. Develop a system of communication; and
4. Help develop language in the home.

Parent/infant services include:

1. Family orientation;
2. Weekly visits to the home by a trained parent advisor to teach auditory and language skills;
3. Parent groups;
4. Ongoing evaluation of child's auditory and language development; and
5. Staffings held semiannually to evaluate progress.

Project ECHO Case Management Procedures

Initial referrals for Project ECHO services to families of hearing impaired children should be made to the state coordinator of Project ECHO.

Home visits will begin after evaluation and recommendation for approval by the coordinator. The superintendent of the LEA in which the hearing impaired child is a legal resident will be notified by a letter from the Special Education Section of the SDE. It will contain pertinent information and specific instructions on case management and reimbursement procedures.

Project ECHO parent advisors will be cooperatively selected, trained and assigned by joint efforts of the LEA and SDE.

Method of Reimbursement to LEA's for Project ECHO Expenses

Applications for reimbursement will be sent to the LEA by the Special Education Section with the initial letter of notification. Completed applications based on monies paid to parent advisors as authorized by the state coordinator should be returned to the state Special Education Section on a quarterly basis.

Applications for reimbursement will be reviewed and checks mailed to the LEA at the end of each quarter.

Requests for additional information should be directed to the state coordinator of Project ECHO.

VIII. PROJECT INSITE
(Home Intervention for Sensory Impaired Infants and Their Families)

Project INSITE is a program similar in service delivery to Project ECHO, providing home based services and parent training. The INSITE curriculum addresses the needs of the multihandicapped sensory impaired child. Sensory impairments addressed by this curriculum include vision and/or hearing. In addition to the sensory impairment, the child must be handicapped in another area(s) (e.g., cognitive, physical/motor, language/ communication, psycho-social, and/or self-help).

Project INSITE is a statewide program with registered parent advisors in 25 counties. Children from birth to six years of age may receive INSITE services. Services include:

1. Family orientation;
2. Weekly visits to the home by a trained parent advisor to teach skills which address the areas of the child's delay; and
3. Ongoing evaluation of the child's development.

Project INSITE is a service delivery operation available to LEAs. Reimbursement for INSITE services is the responsibility of the district.

Project INSITE Case Management Procedures

Initial referrals for Project INSITE services to families of multihandicapped sensory impaired children should be made to the state coordinator of Project INSITE.

Home visits will begin after evaluation and recommendation for approval by the coordinator. The superintendent of the LEA in which the multihandicapped sensory impaired child is a legal resident will be notified by a letter from the Special Education Section of the SDE. It will contain pertinent information and specific instructions on case management and reimbursement procedures.

Project INSITE parent advisors will be cooperatively selected, trained and assigned by joint efforts of the LEA and SDE.

IX. REGIONAL EDUCATION SERVICE CENTERS AND SERVICES OFFERED

The RESCs are an integral part of the special education services provided by the SDE. They, along with the Special Education Section, are uniformly administered by the associate state superintendent for federal/state programs.

RESC SECTION STAFF

Dean Niles	Director
Norma Flournoy	Assistant Director
Virginia Cox	Secretary

Oklahoma's 21 RESCs were authorized and assigned services by the Oklahoma Legislature in Senate Bill 581 (1974), Senate Bill 704 (1976), and House Bill 1049 (1989). Each center is to provide the services mandated by law and state board action. Centers are to offer school districts professional assistance in a variety of efforts aimed toward the improvement of instruction for students. Each center is to provide core services which include, but are not limited to:

Student Appraisals

1. Conduct educational screening as mandated in Oklahoma Senate Bill 581 (The Prescriptive Teaching Act of 1974); Senate Bill 214 (Gifted and Talented Act of 1982); and House Bill 1466 (Education Improvement Act of 1985); and

2. Provide diagnostic and evaluation service for students who are exhibiting learning problems and/or exceptionalities.

Media

1. Maintain an acquisition, cataloging and shelving operation for the purpose of providing a lending service (generally, loan periods will range from two weeks to a month); and

2. Provide special education materials on a prescriptive basis to the classroom teacher who has students with learning problems.

Individualized Learning Plans

1. Provide prescriptive teaching plans to teachers for students having learning problems; and

2. Provide consultation for educators and parents working with or having students with learning problems.

Staff Development

1. Assist in organizing and presenting workshops, conferences, institutes, and other inservice programs for educators working with students with special needs;

2. In these inservice programs, emphasis of the awareness, utilization and adaptation of appropriate materials, learning theory, research finding, and other topics;

3. Maintain good working relationships with teacher training institutions; and

4. Provide technical assistance to school districts in developing inservice plans in conjunction with the statewide Comprehensive System of Personnel Development as required by federal mandate (Public Law 94-142 and amendments).

Coordination of Education Services

1. Assist in the improvement of present services for students;

2. Lead in the establishment of new education services;

3. Lead in curriculum development; and

4. Promote interagency cooperation. To accomplish this, at least two regional interagency meetings are conducted per year. The interagency coordinator of the Special Education Section shall assist as appropriate in this effort.

The offices for these RESCs and counties served are:

ADA RESC XIV--Irving Community Center, 704 North Oak, Ada, OK 74820-3267, Steve Stewart Administrator, 405/332-6314; Counties: Coal, Garvin, Pontotoc, and Seminole.

AFTON RESC V--Afton Elementary, P.O. Box 430, Afton, OK 74331-0430, Sue Bray, Administrator, 918/257-4228; Counties: Craig, Delaware, Mayes, and Ottawa.

ALTUS RESC XVII--Robert E. Lee School, 600 West Pecan, Altus, OK 73521-4353, Thel Cummins, Administrator, 405/482-4197; Counties: Harmon, Jackson, and Kiowa.

ALVA RESC II--Professional Bldg.-Suite C, 410 4th Street, Alva, OK 73717-2363, Doris Curtis, Administrator, 405/327-0603; Satellite: Tri-County, 2411 Williams Avenue, Woodward, OK 73801-5725, 405/254-3232; Counties: Alfalfa, Dewey, Ellis, Grant, Harper, Major , and Woods.

ANADARKO RESC XII--Anadarko Municipal Complex, S.W. 6th & Kentucky, P.O. Box 1355, Anadarko, OK 73005-1355, Pat Moran, Administrator, 405/247-6688; Counties: Caddo, Grady, and Stephens.

ARDMORE RESC XIX--100 Broadlawn Village, Ardmore, OK 73401-1723, Harlyn Smith, Administrator, 405/223-2459; Counties: Carter, Jefferson, Johnston, Love, Marshall, and Murray.

BARTLESVILLE RESC IV--316 S.W. Seminole, Bartlesville, OK 74003-3331, Lloyd A. Scott, Administrator, 918/336-3071; Counties: Nowata, Osage, Rogers, and Washington.

BURNS FLAT RESC VI--John Ross Elementary School, P.O. Box 169, Burns Flat, OK 73624-0169, David Cowan, Administrator, 405/562-3127; Counties: Beckham, Custer, Greer, Roger Mills, and Washita.

DURANT RESC XXI--124 North 12th Street, Durant, OK 74701-4718, Sharon Bowles, Administrator, 405/924-8866; Counties: Bryan.

GUYMON RESC I--Academy Elementary School, 8th & Academy Street, P.O. Box 1755, Guymon, Oklahoma 73942-1755, Twanda Tyson-Lower, Administrator, 405/338-8901; Counties: Beaver, Cimarron, and Texas.

HUGO RESC XX--215 East Kirk, P.O. Box 868, Hugo, OK 74743-0868, Glenda Fry, Administrator, 405/326-5767; Satellite: 106 N.E. Avenue A, Idabel, OK 74745-0837, 405/286-5930; Counties: Atoka, Choctaw, Latimer, McCurtain, and Pushmataha.

KINGFISHER RESC VII--Courthouse Annex #202, 6th & Sheridan, Kingfisher, OK 73750-3224, Dale Roberts, Administrator, 405/375-5666; Counties: Blaine, Canadian, Kingfisher, and Logan.

LAWTON RESC XVIII--110 E. Gore Boulevard, Lawton, OK 73501-3070, Sandra Boyd, Administrator, 405/357-7185; Counties: Comanche, Cotton, and Tillman.

MCALESTER RESC XV--L'Overture Building, 14th & Cherokee, McAlester, OK 74502, Joyce A. Foutch, Administrator, 918/423-6271; Counties: Haskell, Hughes, McIntosh, and Pittsburg.

MOORE RESC XIII--404 North Chestnut, Moore, OK 73160-4832, Dianne G. Mathis, Administrator, 405/799-4458; Counties: Cleveland, McClain, and Pottawatomie.

MUSKOGEE RESC XI-Education Center, 570 North 6th, Muskogee, OK 74401-6009, Beverly Hargis, Administrator, 918/683-3040; Counties: Cherokee, Muskogee, and Wagoner.

OKLAHOMA COUNTY RESC VIII--4111 N. Lincoln Blvd.-Suite 11, Oklahoma City, OK 73105-5213, Wayne Brooks, Administrator, 405/521-4917; Counties: Oklahoma.

SALLISAW RESC XVI--312 South Walnut, P.O. Bo 627, Sallisaw, OK 74955-0627, Dale Kirk, Administrator, 918/775-3722; Counties: Adair, LeFlore, and Sequoyah.

STILLWATER RESC III--Rosewood Hills, 211 N. Perkins Rd.-Suite 6, Stillwater, OK 74075-5519, James Casey, Administrator, 405/624-1315; Satellites: 831 East Oklahoma, Enid, OK 73701, 405/234-5951; 613 E. Grand, P.O. Box 271, Ponca City, OK 74079-066, 405/765-4520; Counties: Garfield, Kay, Noble, Pawnee, and Payne.

STROUD RESC IX--Stroud Middle School, P.O. Box 667, Stroud, OK 74079-5519, Janet Canning, Administrator, 918/968-2518; Counties: Creek, Lincoln, and Okfuskee.

TULSA RESC X--440 South Houston-Suite 200, Tulsa, OK 74127-8916, James R. King, Administrator, 918/581-2353; Counties: Tulsa and Okmulgee.

X. FUNDING

A. State of Oklahoma

1. State funds for the education of exceptional children are distributed as mandated by state law. Local districts receive funds based on a weighted pupil formula using the December 1 child count data.

2. Special service funds are available for certain special purposes such as homebound.

B. Federal

Federal legislation enacted in 1975 (Public Law 94-142) provides funds for special education and related services. EHA-B monies are awarded via a noncompetitive application based on the number of handicapped children served. At least seventy-five percent of funds awarded to the State Department of Education by the U.S. Office of Special Education Programs are awarded to local education agencies upon receipt of approvable applications.

Federal Requirements

1. The local school or cooperative program must:

   a. Generate a minimum of $7,500 through child count, and/or

   b. Be of sufficient size and scope as determined by the SDE to effectively meet the educational needs of handicapped children;

   c. Meet the excess cost requirements; and

   d. Meet nonsupplanting requirements.

2. Nonsupplanting (34 CFR 300.230)

   a. Each LEA application must provide assurance that the LEA uses funds provided under Part B of the Act to supplement and, to the extent practicable, increase the level of state and local funds expended for the education of handicapped children, and in no case to supplant those state and local funds.

   b. To meet the requirement in paragraph "a" of this section:

(1) The total average per capita amount of state and local funds budgeted by the LEA for the current fiscal year for the education of handicapped children must be at least equal to the total average per capita amount of state and local school funds actually expended for the education of handicapped children in the most recent preceding fiscal year for which the information is available. Allowance may be made for:

(a) Decreases in enrollment of handicapped children; and

(b) Usually large amounts of funds expended for such long-term purposes as the acquisition of equipment and the construction of school facilities; and

(2) The LEA must not use Part B funds to displace state or local funds for any particular cost.

3. LEA Use of EHA-B Funds

The congressional intent inherent in Public Law 94-142 is that LEAs be granted EHA-B funds to provide a free, appropriate, public education for all eligible handicapped children in the least restrictive environment. LEAs must provide the basic educational opportunity for handicapped children and EHA-B funds are to be used for the excess cost of operating special education programs.

Each LEA must adhere to the excess cost requirement in funding identified unserved handicapped students and underserved severely handicapped students in each handicapping category.

Application forms, guidelines, and inservice are provided by the SDE on a yearly basis and as requested.

Public Law 89-313 (Chapter I) (Reserve Monies)

Public Law 89-313 funds are provided to state agencies for programs to meet the special education needs of handicapped children in state-operated or state-supported schools. In addition, funds are available to agencies and LEAs through application procedures from the SDE, Special Education Section.

Public Law 81-874 and Special Education

For those schools eligible for Public Law 81-874 (Impact Aid), there is additional money available for qualified special education students. These students are restricted to those living on Indian land, in tribal housing, or whose parents are in military service.

School administrators who need information on this should contact the School Plant Section of the SDE.

XI. SPECIAL SERVICES

Article XIII - Section 215 of Oklahoma School Laws states:

"Any school district in the state may provide suitable facilities and employ qualified teachers and therapists for exceptional children, either in schools, classrooms, or in such other places as the board of education of the district may deem advisable. When a school district does not provide special education facilities and qualified teachers, said children may be transferred to another school district, with the consent of the board of education thereof, where suitable facilities and teachers are provided. Transfers authorized by this section shall be made under such rules and regulations as the State Board of

Education may prescribe to as a result that the sending district sustain an equitable proportion of the operating costs of the program of the district to which the pupil is transferred. When an exceptional child or pregnant child is unable to attend any school or class in the district of which he is a resident, the board of education of said district, with the approval of the State Board of Education, may provide for home instruction for such child. The State Board of Education is further authorized to cooperate with any school district of the state to make it possible for an exceptional child to attend the regular school by making special provisions for the transportation of such child, or for special equipment, devices, books, supplies or other facilities, or for special instruction within the regular school building." (70-13-103)

The local school district in which the student resides or is legally transferred submits an Application for Conditional Preapproval for services to the State Department of Education, Special Education Section. (See specific forms for each service, pp. 123-137 in this manual).

Homebound

The program provides the opportunity for children to enjoy achievement in the academic subjects of our public schools and advance in their efforts to obtain an education at their rate of development, when they are unable to attend public school because of physical illness.

NOTE: Students who are experiencing serious emotional problems and extended absences should bereferred for counseling and/or evaluation. Meanwhile, the students who are identified as handicapped under P.L. 94-142 should be placed on a 30 day interim IEP. This procedure is considered a special education homebased procedure rather than homebound.

Eligibility

A child is eligible for homebound services who, because of physical illness, will be absent from a school a minimum of two weeks. (Chronically ill children with high frequency absences may not have two consecutive weeks of absence, but may be considered on an individual basis.)

A child who is absent from school occasionally or because of some minor illness and is not in any danger of having to repeat a grade should not be considered an eligible candidate for the homebound teaching program. This child should be assisted by his teacher to keep up with the class assignments.

Before a child is placed on the homebound program, the superintendent must complete and return the application, accompanied by a physician's statement, to the Special Education Section.

The application for homebound has a listing for 20 students per application. Whenever possible, student's names should be listed on one preapproval form. Each name submitted must be accompanied by a physician's report. Pregnant girls must be listed on a separate form.

Eligibility for Pregnant Girls

Local schools should have a vested interest in the mother's continued education and early first trimester prenatal care.

Girls should be placed in special service programs for pregnancy when the physician considers the home or other LEA-monitored alternative program to be in the best interest of the mother and baby. Appropriate early prenatal care and diet should be encouraged to prevent conditions that impair the student or cause life-long handicapping conditions to the infant's developing brain and neuromuscular system.

Reimbursement for each pregnant girl is limited to $450 per pregnancy. The program may begin in the first trimester and continue until six weeks after delivery, but it will be necessary for the student to come to school for a portion of the time for the school to be completely reimbursed. If the student is unable to attend school during any part of pregnancy, the school may continue the approved instructional program and claim the A.D.A. with documentation of service.

School systems with ten or more eligibile girls are encouraged to provide in-school programs of at least three hours per day. Reimbursement for this type of program shall be as outlined above.

Quality Curriculum

Instruction should be supplemented with audio cassette tapes and class notes prepared by the teacher, peer or cross-age tutor when needed. The instructional program, whether reimbursed by the SDE or the local school, should be documented.

Curriculum should pinpoint essential content for mastery. Concurrent classmate-taped summaries of lessons will provide appropriate support and expedite students' early return or phasing back into the classroom. Students who return to school, graduate or continue school will be considered to be successful homebound students.

Teacher Salary

School districts conducting approved home teaching programs must pay teachers of homebound children a minimum of $9 per hour for 3 one-hour home visits per week. Approved programs will be reimbursed at the end of each semester subject to available funds, not to exceed $27 per week per homebound child, and not to exceed $450 per pregnancy.

Reimbursement

In addition to salary, reimbursement can be made at the state rate per mile for the necessary distance traveled by the homebound teacher, if the distance is 2 or more miles per round trip. The distance is figured from the school the child would normally attend to the child's home.

Attendance and Record of Instruction Accounting

A child receiving instruction by a teacher on the homebound teaching program must be enrolled as a student in the school providing this special service. When a child is taught by a visiting teacher for one hour per day for three days per week, the child shall be counted as having attended school five days per week, and his attendance shall be so entered in the school register. The material covered, mastered, and needed should be documented.

Teacher Qualifications

Teachers of homebound children shall hold a valid Oklahoma teaching certificate; a special education certificate is <u>not</u> required.

Teachers employed to teach in the regular classroom may be employed to teach homebound children before or after school hours and be paid extra for this service.

<u>Transportation to Regular Class</u>

When a <u>physically handicapped child is unable to attend any school or class</u> in the district of which he is a resident, the board of education of said district, with the approval of the state Special Education Section, is

authorized to make provisions for transportation of such a child to attend the regular school in the district where he is authorized to attend.

Reimbursement for Transportation to Out-of-District Special Education Classes

The school district may be reimbursed at six cents per mile for public school buses, not to exceed $450 per child per year. If a private carrier is used, the district may be reimbursed at a rate not to exceed the state rate per mile to and from school, not to exceed $900 per child per year. When more than one child is transported in the same vehicle, an additional charge of not more than half the state rate per mile per additional may be made. (Reimbursement will only be made for one round trip per day).

Therapists/Licensed Physical Therapy Assistant or Certified Occupational Therapy Assistant

Preapproval request should be submitted at the beginning of the school year for physical and occupational therapists, licensed physical therapy assistants (PTAs), or certified occupational therapy assistants (COTAs). These personnel must be employed on a full-time basis, exclusively by applicant, for the specified school year. No reimbursement will be made on a part-time or contracted basis. Reimbursement is $1,250 per semester or $2,500 per year.

Eligibility for Deaf-Blind

1. Child must be categorized as deaf-blind on annual child count.
2. Current physician's report must be on file.
3. Deaf-blind students must be instructed by a qualified teacher who is preferrably certified in the areas of deaf and visual impairment or at a minimum has qualification to work with multihandicapped.

Payments will be made for special education of any deaf-blind child, resident of the State of Oklahoma, in any private or public institution, either inside or outside of the state, but in no case shall payment from state funds for such special education, including board and room, and transportation, exceed $5,000 per child per year. Application for preapproval will be made to determine the exact amount of funds needed and the use of these funds.

Physically Handicapped

The purpose of this service is for mobility assistance for orthopedically impaired, special equipment, devices and books (large print books for partially seeing children), readers, supplies or other facilities, or for special instruction within the regular school building as set out in the law, to make it possible for a physically handicapped child to participate in classroom activities and benefit from the association with other children. A child must be so handicapped that he is physically unable to attend school in a regular classroom without the aid of one or more of the special services.

Reimbursement is not to exceed $225 per semester or $450 per year.

County and Cooperative Programs

County superintendents may organize and operate special education programs as provided by law. Also, two or more school districts are authorized to form cooperative programs to provide special education services. When a teacher is required to travel from one school to another, serving those who need special training, the teacher's travel cost between the schools should be paid. Reimbursement, not to exceed $450 per teacher per year, will be made by the Special Education Section of the SDE.

School-to-Home Telephone System

When a physically handicapped child is taught in his home by the school-to-home telephone system, reimbursement will be made of not more than $300 per year for each child to pay the cost of such services. Reimbursement will be made at the end of each semester.

Boarding Exceptional Children

Reimbursement, not to exceed $450 per child per year, will be made when school districts make provisions for boarding exceptional children who must be transferred from their home districts to school districts providing needed special services.

If applications for aid exceed available funds, each claim will be prorated.

Method of Reimbursement

Special services are reimbursed from a fund established by legislative action. Reimbursement for special services will follow the schedules as stated in the foregoing section, and will be handled in the following manner:

1. A preapproval application (approved) for the special service must be on file with the Special Education Section.

2. Application for aid will be sent by the state Special Education Section to each school district that has on file an approved preapproval for a special service. These applications will be mailed to the districts at the end of each semester. The first semester's application for aid should be returned by January 15. The second semester's application for aid must be returned by June 1.

3. Application for aid will be reviewed and checks will be mailed to the school districts for the amounts to be reimbursed.

Reimbursement will be made at the end of each semester, using half of the appropriated funds for each semester.

NOTE: All second semester applications for aid must be in the special education office by June 1.

XII. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT (CSPD)

34 CFR 300.380-300.387 of the regulations for EHA require the SDE to design and implement an ongoing CSPD. The purpose of such a system is to coordinate all personnel preparation activities within the state to ensure that the number and type of personnel needed to provide special education and related services to all identified handicapped children are *available* and are *qualified* to provide the free, appropriate, public education guaranteed by state and federal law.

The basic concept inherent in CSPD is "participatory planning" by personnel of agencies listed below:

1. State Department of Education (Special Education and RESCs)
2. LEAs
3. Teacher training colleges and universities
4. Other agencies providing services to handicapped children
5. Parents of handicapped children
6. Professional organizations

To ensure the effective implementation of comprehensive system of personnel development at the district level, an administrative structure is used that assigns the primary responsibility for the system to personnel at the district level. As part of each LEA district plan for EHA-B, an LEA must have a CSPD committee with the specific responsibilities listed below:

1. Using an SDE instrument, conduct an annual needs assessment to identify:

   a. Inservice training needs;
   b. Retraining needs;
   c. New special service personnel needs

   The annual needs assessment required by 300.382(b) may be conducted anew, or each local CSPD committee could review and select unmet previous year prioritized needs as those to be addressed during the current year. Additional newly identified needs could be added to form an up-to-date list;

2. Prioritize training/retraining needs;

3. Develop a CSPD training plan (as indicated in the needs assessment);

4. Implement the plan, monitor activities, evaluate and annually update the above procedures; and

5. Establish a procedure for disseminating information.

To assist local districts in implementing their CSPD training plan, the Special Education Section makes funds available each year to support training activities. These funds should assist the implementation of district training plans. The amount varies depending on the December 1 child count and availability of federal funds.

With the enactment of House Bill 1706, additional staff development funds and opportunities are available to local personnel. Although CSPD training is restricted to improving special education capabilities, a district may meet the requirements of House Bill 1706 by expanding the existing CSPD committee through the addition of extra teachers to make a majority of the membership instructional staff. This two-in-one approach allows an interface that can produce a high degree of cost effectiveness in terms of man-hours and dollars.

For further information on CSPD, contact the State Department of Education, Special Education Section, (405) 521-3351.

XIII. COMPLAINT PROCEDURES

The Special Education Section provides technical assistance to parents, professionals, school districts, public agencies, and other organizations with responsibilities or interests in educating handicapped children. These activities facilitate implementation of special education and related services in compliance with state and federal requirements. Knowledge and awareness of parents rights and procedural safeguards are also enhanced through these activities. In many instances, clarification of applicable requirements, additional information, and consultation help school districts, parents, or other agencies to resolve differences and work more effectively together.

In addition to these ongoing services, the State Department of Education has available a formal complaint management system for specific complaints/allegations of violations by school districts, public agencies, the SDE, or other responsible agencies.

Provisions for complaint procedures by state educational agencies are found in 34 CFR 76.780-76.783. Efforts to resolve problems by informal approaches prior to filing complaints are encouraged by the SDE,

but formal, written complaint procedures may be pursued by agencies or individuals when these efforts have not achieved satisfactory resolution.

Complaint procedures are as follows:

1. Complaints shall be written and include: (a) a statement that the responsible school district, agency, or SDE has violated a requirement of a federal statute or applicable regulation; (b) the facts on which the statement is based; and (c) the signature of the individual or organization filing the complaint. Complaints should be addressed to: Technical Assistance Officer For Complaints, Special Education Services, Oklahoma State Department of Education, 2500 North Lincoln Blvd., Oklahoma City, Oklahoma 73105-4599.

2. The Special Education Section will acknowledge, in writing, the receipt of the formal complaint within 15 calendar days. Copies of this written acknowledgement will be mailed to the involved parties and to the appropriate SDE personnel. Written notice of parent rights will be included.

3. Telephone calls and other contacts will be made to determine the circumstances and facts pertaining to the complaint. The parties involved may be requested to submit documentation such as copies of student records or other written verification of actions. Through these inquiries, the context and nature of the complaint will be more clearly defined.

4. If further information or review is deemed necessary by the SDE, an on-site investigation will be conducted. The on-site might include activities such as reviewing records, observation of program implementation, and conducting interviews with staff and/or parents.

5. Follow-up activities to assist resolution of the complaint may include technical assistance, consultation, mediation conferences, or other recommended interventions.

6. After facts are gathered, the SDE will report the findings in writing. The findings of fact will address whether the complaint of alleged violations is substantiated and will include instructions for correcting any substantiated violations. This information will be provided by the SDE to the involved parties.

7. Complaint investigation and resolution shall be completed within 60 calendar days from receipt of the formal written complaint by the Special Education Section. Extensions of timelines may be granted only if exceptional circumstances exist regarding a specific complaint.

8. The complainant or either party may request the Secretary of the U.S. Department of Education to review the final complaint decision of the SEA.

Substantiated Complaints/Violations and Possible Sanctions/Hearings

When school districts or other responsible agencies are found to have violated state or federal requirements, necessary corrective actions will be outlined and provided with the SDE written summary of findings. The school district or agency shall respond to the SDE within timeframes delineated for the required corrective actions. Compliance cannot be assured until the corrective actions have been approved and verified by the SDE.

Noncompliance with state and federal regulations for the education of handicapped children may result in: (a) disapproval of applications for funds; (b) withholding of funds; (c) repayment of misspent or misapplied federal funds; (d) suspension or loss of accreditation; and/or (e) other sanctions.

School districts or agencies receiving federal monies for educating handicapped children may request a hearing if they allege that any actions of the SDE, in response to noncompliance findings, have violated

state or federal statutes or regulations. The SDE shall provide notice and opportunity for a hearing before sanctions are imposed.

Procedures for SDE hearings to review such actions and make decisions in these matters shall be as provided in 34 CFR 76.401 and 76.783.

XIV. DUE PROCESS HEARING AND APPEAL PROCEDURES

Introduction

Under the authority of EHA, formerly known as P.L. 94-142, 70 O.S. Supp. 1987, § 3-104, and the Oklahoma Administrative Procedures Act, 75 O.S. 1971, § 301 et seq., the Oklahoma State Department of Education, in keeping with the constitutional rights and privileges accorded its citizens, does hereby establish the following policies and procedures to guarantee due process protection to children and their parents in regard to identification, evaluation and educational placement of a child.

The Oklahoma State Department of Education does hereby seek to resolve disputes between parents and educators concerning the education of a handicapped or purported- to-be handicapped child through mediation or other informal means.

The Comment to Section 300.506 (the federal regulations to the EHA) provides the following:

> "Many States have pointed to the success of using mediation as an intervening step prior to conducting a formal due process hearing. Although the process of mediation is not required by the statute or these regulations, an agency may wish to suggest mediation in disputes concerning the identification, evaluation, and educational placement of handicapped children, and the provision of a free appropriate public education to those children. Mediations have been conducted by members of State educational agencies or local educational agency personnel who were not previously involved in the particular case. In many cases, mediation leads to resolution of differences between parents and agencies without the development of an adversarial relationship and with minimal emotional stress. However, mediation may not be used to deny or delay a parent's right under this subpart."

Mediation may be requested by either party but must be attended by both parties. The parties involved may or may not have representatives at the mediation; however, those persons attending should be in a position of authority to make decisions. Trained mediators may be requested from the SDE , Special Education Services. Such request must be in writing and reflect the agreement by all concerned for mediation to be conducted by the SDE.

Either party may refuse to participate in a conference without prejudice to any procedural safeguard afforded under this manual or any applicable state or federal law. Also, the mediation meeting does not alter the required time lines.

Due Process Hearing

A major element of due process is that an opportunity is provided for the creation of a forum that will provide an objective review of the parent/LEA disagreement and ultimately produce an objective decision resolving the dispute. Regardless of the formal and informal steps leading to a hearing and the many procedural provisions that must be met in the hearing itself, the key concept is that the final decision of the hearing officer will be impartial. Each public agency shall access the due process hearing system established and implemented by the SDE.

A request for a due process hearing may be initiated at any time and the decision shall be rendered within 45 calendar days of the time the request is received at the SDE unless this timeline is extended by the assigned hearing officer in accordance with the regulations of EHA appearing at 34 CFR 300.512(c).

Who May Request a Hearing and for What Purpose?

A parent, guardian, a person acting as a parent of a child in accordance with 34 CFR 300.10, a surrogate parent appointed in accordance with 34 CFR 300.514, or the LEA may request a hearing for any of the following reasons:

1. The proposal to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child, or

2. The refusal to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child. (34 CFR 300.504(a)(1) and (2))

How is a Request for a Due Process Hearing Initiated?

If the parents (as defined at 34 CFR 300.1) request a due process hearing, they must present a signed written request for a hearing to the local school administrator stating the child's name, date of birth, current grade or class placement, and the specific reason(s) for challenging the identification, evaluation, placement or appropriateness of the education of the child in question. At the same time a copy of this request must be mailed to the SDE, Special Education Services, for assignment of the hearing officer.

If the LEA requests the due process hearing, it must present a signed written request for a hearing to the parents (as defined at 34 CFR 300.10), stating the child's name, date of birth, current grade or class placement, and the specific reason(s) for challenging the identification, evaluation, placement or appropriateness of the education of the child in question. At the same time a copy of this request must be mailed to the SDE, Special Education Services, for assignment of the hearing officer.

It is strongly recommended that all correspondence be certified mail, return receipt requested, to provide documentation.

The timelines concerning a due process hearing will begin when a signed written request is received by the SDE, Special Education Services, from either the parent or the LEA.

The Hearing Officer

The term "impartial hearing officer" shall mean the appointment of a trained individual by the SDE, Special Education Services, for the purpose of presiding at due process hearings.

It shall be the responsibility of the SDE to ensure that the hearing officer assigned to a particular hearing is unbiased. Any party to a due process hearing may challenge the assignment of a particular hearing officer. It shall be the responsibility of the SDE to assign a new hearing officer to the case upon a showing that the appointed hearing officer is biased (or other good cause).

Decision of the Hearing Officer

The decision of the hearing officer shall include findings of fact in accordance with 34 CFR 300.508(a)(5).

The decision of the hearing officer shall state that this decision is binding upon the parents (or the child, if over the age of majority), and upon the LEA, its officers, employees, and agents, subject to procedures for administrative or judicial appeal, and that any questions regarding appeal procedures may be directed to the

State Department of Education, Special Education Services, Hodge Education Building, Oklahoma City, 73105-4599. A statement of the procedures to be used for appealing such decision shall be included in the decision.

Conduct of Administrative Appeals

Appeals must be initiated by a parent or by the LEA and must be made within 30 calendar days after receipt of the decision. The appeal of a decision of the hearing officer will be reviewed by the SDE's impartial designee. Each appeal officer will meet the same qualifications required of all hearing officers. All requests for appeals must be mailed to the Oklahoma State Department of Education, Special Education Services. It shall be ensured by the SDE that, not later than 30 calendar days after the receipt of a request for a review, a final decision will be reached and a copy of the decision mailed to each of the parties, unless this timeline is extended by the assigned appeal officer in accordance with 34 CFR 300.512(c).

If there is an appeal, the SDE will assign an appeal officer to conduct an impartial review of the hearing. The appeal officer conducting the review shall:

1. Examine the entire hearing record;

2. Ensure that the procedures at the hearing were consistent with the requirements of due process;

3. Seek additional evidence if necessary. If a hearing is held to receive additional evidence, the rights in 34 CFR 300.508 apply;

4. Afford the parties an opportunity for oral or written argument, or both, at the discretion of the appeal officer;

5. Make an independent decision on completion of the review; and

6. Give a copy of written findings and the decision to the parties.

The decision made by the appeal officer is final, unless a party brings a civil action under 34 CFR 300.511.

Each public agency shall access the due process system established and implemented by the SDE.

NOTE: Upon request for a due process hearing, Special Education Services will send the parties the *Guidelines for Parents and School Administrators, Due Process in Special Education* manual which gives the details of each party's rights and responsibilities, and the procedures of the hearing.

XV. SEA MONITORING PROCEDURES

Each LEA will submit annually through Part I of the LEA application a list of all public/private agencies, institutions, and organizations within the boundaries of the school district which are responsible for providing special education programming. Based on this information, the SDE will conduct annual comprehensive monitoring of approximately one-third of the state's LEAs, including all appropriate agencies within these districts. In addition, certain LEA documents will be monitored off-site.

SDE monitoring procedures will document the following:

1. The effectiveness of procedures undertake to identify, locate and evaluate handicapped children; (34 CFR 300.128(a) (5))

2. Implementation of IEPs; (34 CFR 300.130 (b) (2)) and

3. Compliance with procedures for placing handicapped children in private schools (34 CFR 300.402 (a)); as well as applicable state and federal requirements.

Documentation of compliance in these areas will be accomplished in the process of completing the SDE *Public Agency Monitoring Document*. This instrument will be completed utilizing pre-site and on-site information. Agencies will be reviewed according to specific criteria in order to establish areas of systemic non-compliance. Further explanation of procedures can be found in the "Guidelines for Monitoring Special Education Programs in Oklahoma."

Enforcement of any obligations imposed on agencies, institutions, and organizations responsible for carrying out special education programming will be implemented as outlined in "Responsibility of State Department of Education for All Educational Programs" component of the 1991-93 State Plan.

An agency is entitled to an opportunity for a hearing with respect to identified deficiencies within ten days of receipt of the evaluation report.

Follow-Up/Corrective Action Plan

An agency will be required to submit "corrective actions" to the SDE within 30 days of receipt of the written monitoring evaluation/corrective action report. The corrective action plan will include a description of the steps which provides for:

1. The elimination of any past effects of a deficiency;

2. The prevention of any similar deficiency in the future;

3. The description of each action the agency will take to correct identified deficiencies and achieve future compliance, including adequate inservice training where appropriate (indicating dates, topic(s) and attendees);

4. Documentation to verify the initiation and completion of those actions needed to assure correction of current deficiencies and prevention of future ones; and

5. The time frame for achieving full compliance.

The agency's corrective action(s) plan is subject to approval by the SDE. Where necessary, technical assistance will be provided to agencies to aid in implementation of the plan. Verification of the corrective actions of the agency will occur in a variety of ways, depending upon the nature of the deficiencies. Some examples may include:

- Contact with the agency's administration (superintendent, school board, county superintendent or other designated responsible agent)
- Continuous contact with SDE technical assistance staff
- Follow-up on-site visitation by SDE personnel
- Final report submitted by agency to officials.

Enforcement

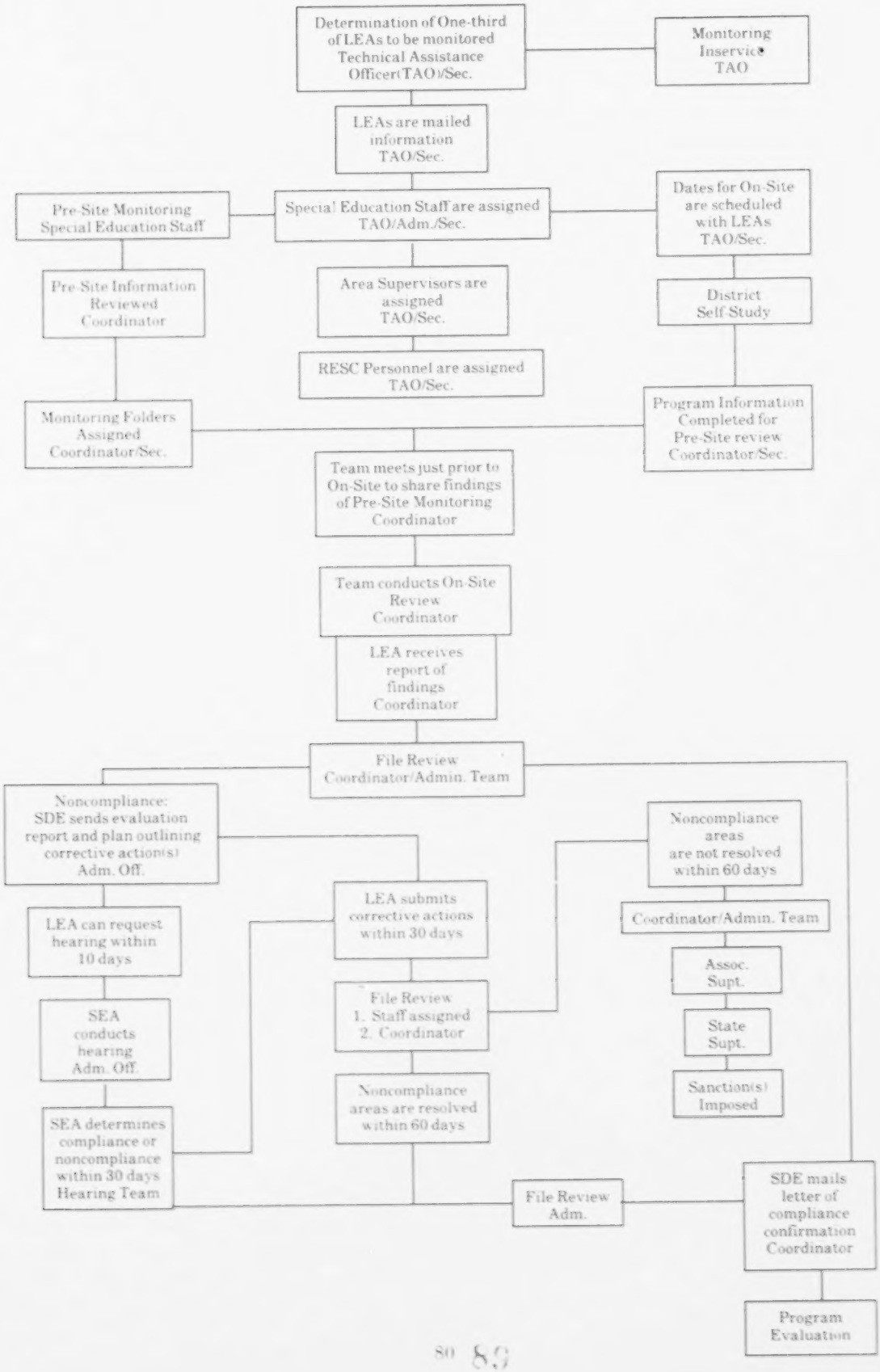
Sanctions for failure to correct an identified deficiency will be determined by the SDE and shall be based upon the individual area of noncompliance. The time periods in which these sanctions will be imposed shall be at the discretion of the SDE.

1. Noncompliance with state and federal regulations for education of handicapped children may result in: (a) disapproval of applications for funds; (b) withholding of funds; (c) repayment of misspent or misapplied federal funds; (d) suspension or loss of accreditation; and/or (e) other sanctions.

2. School districts or agencies receiving federal monies for educating handicapped children may request a hearing if they allege that any actions of the SDE, in response to noncompliance findings, have violated state or federal statutes or regulations. The SDE shall provide notice and opportunity for a hearing before sanctions are imposed.

3. Procedures for SDE hearings to review such actions and make decisions in these matters shall be as provided in 34 CFR 76.401 and 76.783.

SPECIAL EDUCATION MONITORING
FLOW-CHART


Determination of One-third of LEAs to be monitored Technical Assistance Officer(TAO)/Sec.
Monitoring Inservice TAO
LEAs are mailed information TAO/Sec.
Pre-Site Monitoring Special Education Staff
Special Education Staff are assigned TAO/Adm./Sec.
Dates for On-Site are scheduled with LEAs TAO/Sec.
Pre-Site Information Reviewed Coordinator
Area Supervisors are assigned TAO/Sec.
District Self-Study
RESC Personnel are assigned TAO/Sec.
Monitoring Folders Assigned Coordinator/Sec.
Program Information Completed for Pre-Site review Coordinator/Sec.
Team meets just prior to On-Site to share findings of Pre-Site Monitoring Coordinator
Team conducts On-Site Review Coordinator
LEA receives report of findings Coordinator
File Review Coordinator/Admin. Team
Noncompliance: SDE sends evaluation report and plan outlining corrective action(s) Adm. Off.
Noncompliance areas are not resolved within 60 days
LEA submits corrective actions within 30 days
LEA can request hearing within 10 days
Coordinator/Admin. Team
Assoc. Supt.
File Review 1. Staff assigned 2. Coordinator
State Supt.
SEA conducts hearing Adm. Off.
Noncompliance areas are resolved within 60 days
Sanction(s) Imposed
SEA determines compliance or noncompliance within 30 days Hearing Team
File Review Adm.
SDE mails letter of compliance confirmation Coordinator
Program Evaluation

XVI. SPECIAL EDUCATION FORMS

STATE DEPARTMENT OF EDUCATION

Confidential Record

Student _____

Birthdate _____ Sex: Male _____ Female _____

The following persons have accessed these records:

Signature	Purpose	Date

These special education records are to be maintained in a confidential manner in accordance with the Family Educational Rights and Privacy act (34 CFR Part 99) and the Education of the Handicapped Act (34 CFR 300.560-300.576).

On _____ (month/day/year), this student:

_____ Moved out of district (no longer enrolled)
_____ Withdrew
_____ Dropped Out

STATE DEPARTMENT OF EDUCATION

REFERRAL FOR EVALUATION

Name of Student _____ Address _____

City _____ Zip _____ Phone _____

Birthdate _____ Age _____ Sex _____ School _____ Grade _____

Circle grade(s) repeated: K 1 2 3 4 5 6 7 8 9 10 11 12 None

_____ _____ _____
Mother's/Guardian's/Surrogate Parent's Name Street City Zip Phone: Home/Work

_____ _____ _____
Father's/Guardian's/Surrogate Parent's Name Street City Zip Phone: Home/Work

Referral made to: _____

State reason for referral: _____

_____

Give specific information about:

Work habits/attention: _____

_____

Pre-Academic/Academic performance: _____

_____

Behavior in regular learning environment: _____

_____

Supplemental aids and services used, or attempted, in the regular learning environment: _____

_____

If supplemental aids and services are not being used, or will not be attempted in the regular learning environment, state why:

_____

To expedite evaluation procedures this form should be filled out in its entirety and provided to the agency that will be conducting the evaluation along with a signed Parent Permission form.

Referring Person: _____ Position: _____

Date _____

Educational Data:

Preschool: _____

Attended Kindergarten: Yes _____ No _____ If attending Kindergarten: a.m. _____ p.m. _____

If attending Vo-Tech: a.m. _____ p.m. _____

List programs attended and any related services being received:

Special Education _____ Remedial/Other _____

Previous schools attended: _____

Please indicate any recent group/individual assessments that have been given in these areas. For areas in which achievement test scores are not available, check classroom performance in appropriate column.

	Date	Evaluation Measure	Developmental Levels
1. Expressive Language			
2. Receptive Language			
3. Gross Motor			
4. Fine Motor			
5. Self-Help/Social			
6. Cognitive			

	Date	Eval.	Level	Classroom Performance*	
				S	U
1. Oral Expression					
2. Listening Comprehension					
3. Written Expression					
4. Basic Reading Skills					
5. Reading Comprehension					
6. Mathematic Calculation					
7. Mathematic Reasoning					

*S-Satisfactory U-Unsatisfactory

Previous Evaluations: Date Test Given Agency

_____ _____ _____

_____ _____ _____

Language/Communication Data:

Child's native language/mode of communication _____

Language spoken at home: _____

Speech/language problems: Yes _____ No _____ Describe _____

Receiving speech/language therapy: Present _____ Previous _____ None _____

Health Data:

Hearing problems: Yes _____ No _____ Describe _____

Date of last hearing test/screening _____ Results _____

Visual problems: Yes _____ No _____ Describe _____

Date of last visual test/screening _____ Results _____

Describe any physical limitations or motor impairments _____

_____

Other pertinent medical or developmental information _____

_____

List medication taken regularly _____ Reason _____

Additional Considerations:

Each school district/public agency is required by P.L. 94-142 to document **social or cultural background information and adaptive behavior functioning** for eligibility/placement decisions. Information on methods of assessing adaptive behavior is available from Special Education Services of the State Department of Education.

STATE DEPARTMENT OF EDUCATION
PARENT PERMISSION FORM

Dear Parent/Guardian/Surrogate Parent:

I would like to refer _____ _____
Child's Full Name Date of Birth

to be evaluated to assist in determining the most appropriate educational program to meet the educational needs of this child.

Options proposed: _____

Areas of concern: _____

_____ _____
Teacher/Referrer Date

In this evaluation process, it will be necessary to share personally identifiable information regarding the child and educational performance. A qualified person will administer tests in areas related to the child's suspected disability/exceptionality as part of the evaluation made by a multidisciplinary team. A description of tests that may be appropriate for this child, as well as your rights, are included with this notice. These should be clearly understood before your consent is given. If permission is granted, you will be notified upon completion of the testing to discuss the results of the evaluation. Contact the person below if you have any questions. Thank you for your assistance.

Signed: _____
School/Public Agency Official Date

_____ _____
Phone Number Building Name Address Zip

I understand the reasons for this referral, the description of the evaluation process and the parent rights listed on the back of this form. I do give my permission for the above services.

_____ _____
Parent/Guardian/Surrogate Parent Signature Date

_____ _____
Address City

_____ _____
Phone Number Zip

Please sign, keep the pink copy, and return the other copies to the above official.

School/Public Agency Use Only:

Notice sent by: U.S. Mail _____ Date Mailed _____

Personal Delivery _____ Date Delivered _____

Translation/interpretation needed: Yes _____ No _____

If yes, specify how and when provided: _____

White copy - RESC Yellow Copy - Schools Pink copy - Parents

STATE DEPARTMENT OF EDUCATION
PARENTS RIGHTS IN SPECIAL EDUCATION

As the parent/guardian/surrogate parent of a child who is receiving a formal evaluation and/or special education services, you have certain rights according to state and federal regulations. They are explained below in abbreviated form. If you have questions about special education services for your child or about these rights, please contact the State Department of Education, Special Education Services, 405/521-3351, or your local school/public agency.

RECORDS--You have the right to: (1) inspect and review your child's education records which shall be maintained confidentially at all stages; (2) ask for an explanation of any item in the records; (3) have a representative inspect and review the records; (4) request copies of records; the school /public agency may charge reasonable fees for copies but fees may not prevent the right to access; (5) be informed, on request, of locations of records being collected or used; (6) ask for an amendment of any record you feel is inaccurate, misleading, or violates privacy rights; (7) request a hearing if the school/public agency does not voluntarily amend records about which you have concern; (8) give or withhold consent to disclose your child's records; (9) be informed of persons that have accessed the records; (10) be informed before information in your child's file is to be destroyed.

CONSENT--Your consent must be given prior to an evaluation and before initial placement is made in special education. You may withhold or revoke consent at any time, understanding that in such cases the school/public agency has the right to request a hearing to determine if your child should be evaluated or initially placed in a special education program.

PRIOR NOTICE--You must be given written prior notice a reasonable time before the school/public agency proposes or refuses to: initiate or change the identification, evaluation, or educational placement of your child or provision of a free, appropriate public education to your child. This written notice must include the following: (1) a description of the action proposed or refused by the school/public agency, an explanation of why the school/public agency proposes or refuses to take the action, and a description of any options the school/public agency considered and the reasons why those options were rejected; (2) a description of each evaluation procedure, test, record, or report the school/public agency uses as a basis for the proposal or refusal; and (3) a description of any other factors which are relevant to the school's/public agency's proposal or refusal. The notice must be in your native language or other mode of communication, unless it is clearly not feasible to do so. If your native language or other mode of communication is not a written language, the school/public agency shall take steps to ensure that: (1) the notice is translated orally or by other means to you in your native language or other mode of communication, (2) you understand the contents of the notice, and (3) there is written evidence that these responsibilities have been met.

PROTECTION IN EVALUATION PROCEDURES--Testing and evaluation materials shall: be provided and administered in your child's native language or other mode of communication, unless it is clearly not feasible to do so; be validated for the specific purpose for which they are used; and be administered by trained personnel in conformance with the instructions provided by their producer. No single procedure will be used as the sole criterion for determining an appropriate educational program for your child and the evaluation will be made by a multidisciplinary team or group of persons, including one teacher or other specialist with knowledge in the area of suspected disability. Your child will be assessed in all areas related to the suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. You have the right to receive a description of each evaluation procedure, test, record, or report the school/public agency uses in this process. You have the right to have a reevaluation conducted for your child every three years or more often if warranted or if you or your child's teacher requests it.

INDEPENDENT EVALUATION--You have the right to: (1) be informed where an independent evaluation may be obtained; (2) be informed of the procedures for obtaining an independent evaluation at public expense and the conditions under which such an evaluation may be obtained; (3) an independent evaluation at public expense if the school's/public agency's evaluation is determined to be inappropriate; (4) have the independent evaluation considered when placement and program decisions are made.

LEAST RESTRICTIVE ENVIRONMENT--You have the right to: (1) have your child educated with nonhandicapped children to the maximum extent appropriate; (2) have your child educated in the regular educational environment unless the nature or severity of your child's handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; (3) have a continuum of alternative placements available for consideration; (4) have placement in the school your child would attend if nonhandicapped unless the individualized education program requires some other arrangement; (5) have your child provided an equal opportunity to participate in nonacademic and extra-curricular services and activities; (6) have consideration be given to any potential harmful effect on your child or on the quality of services your child needs.

INDIVIDUALIZED EDUCATION PROGRAM (IEP): You have the right to know that the local school/public agency shall give you the opportunity to participate in IEP development and all IEP reviews for your child. (300.345)

HEARING--You have the right to: (1) request an impartial due process hearing to question the identification, evaluation or placement of your child, or to question the provision of a free appropriate public education; (2) have a hearing decision from a state appointed hearing officer; (3) be told of any free or low-cost legal and other relevant services available; (4) see a statement of the qualifications of the hearing officer; (5) be advised and accompanied at the hearing by counsel and/or individuals with special knowledge or training in problems of the handicapped; (6) have your child present; (7) have the hearing open or closed to the public; (8) present evidence and confront, cross-examine, and compel the attendance of witnesses; (9) prohibit the introduction of any evidence at the hearing that has not been disclosed at least five days before the hearing; (10) have a written or electronic verbatim record of the hearing; (11) obtain written findings of fact and a written decision within 45 days after the State Department of Education receives the initial request for the hearing; (12) request an appeal of the hearing decision; (13) appeal in court a decision from the appeal hearing officer; (14) have your child remain in his or her present educational placement while the administrative proceedings are pending, unless you and the school/public agency agree otherwise; (15) request that certain fees incurred by you during these proceedings be paid by the school/public agency should you "prevail" in such proceedings, subject to the provisions of the Handicapped Children's Protection Act of 1986.

HOW TO REQUEST A DUE PROCESS HEARING--A request for a due process hearing must be in writing, signed, and addressed to the local school administrator, and include: your child's name, date of birth, current grade or class placement, and the reason for challenging the identification, evaluation, placement or appropriateness of the education for your child. A copy of this request must also be mailed to the State Department of Education, Special Education Services, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

STATE DEPARTMENT OF EDUCATION
PARENTS RIGHTS IN SPECIAL EDUCATION
Continued

The evaluation may include assessments in:

I. Intelligence and Cognitive Ability

II. Achievement and Knowledge

III. Information Processing and Perceptual Functioning

IV. Development

V. Adaptive Behavior

VI. Language Development, Articulation, Voice and Fluency, and Communication

VII Social-Emotional Functioning

VIII Motor Functioning

STATE DEPARTMENT OF EDUCATION

SDE Form 4
(1 of 2)

MULTIDISCIPLINARY EVALUATION TEAM SUMMARY

☐ Initial Evaluation
☐ Reevaluation

Date _____

Name of student _____ Birthdate _____

School district/agency _____ School Site _____ Grade _____

Specific questions or concerns addressed by the evaluation: _____

_____

_____

NOTE: State and federal regulations require that the evaluation be performed in the student's native language, that the tests used have been validated for the specific purpose for which they are used; and are administered by qualified personnel in conformance with state policies and with the instructions provided by their producer. The student must be assessed in all areas related to the suspected disability (see *Policies and Procedures*, pp. 29-37).

EVALUATION SUMMARY (Complete only those areas which are pertinent to this student):

AREA	DOCUMENTATION SOURCE(S)	DATE OF INFORMATION	EXAMINER/ PERSON	FINDINGS
Health				
Vision				
Hearing				
Intellectual/ Cognitive				
Educational- Academic/ Developmental				
Communication/ Language				
Motor Functioning				

EVALUATION SUMMARY: (continued)

AREA	DOCUMENTATION SOURCE(S)	DATE OF INFORMATION	EXAMINER/ PERSON	FINDINGS
Perceptual				
Social/ Emotional				
Adaptive Behavior: School				
Home				
Parent Concerns/ Comments:				
Other:				

1. Does the above evaluation(s) constitute a comprehensive evaluation? ____yes ____no

   If no, indicate what additional information is needed. _____

   _____

2. What are the student's current educational needs? _____

   _____

3. What are the student's strengths? _____
4. What are the student's weaknesses? _____
5. Provide a summary of the above results and their effect on the student's educational progress. _____

   _____

   _____

6. Based on the student's current performance, are special education services necessary? ____yes ____no

TEAM MEMBERS

_____ Special Education Teacher

_____ Evaluation Team Member

_____ Diagnostic Team Member*

_____ Regular Teacher*

_____ Other Evaluation Team Member

_____ Other Evaluation Team Member

*Required for teams evaluating a child suspected of having a specific learning disability, regardless of age.

STATE DEPARTMENT OF EDUCATION

Learning Disabilities--Evaluation Summary

Name_____ Date_____

DOB_____ Grade Placement_____ School_____

1. Summary of observation of academic performance/behavior in the regular class or age appropriate environment by a team member other than the child's regular teacher:

_____

_____ _____
Observer

2. The relationship of observed behavior to the child's academic performance _____

_____

3. Educationally relevant medical findings:

_____

_____

4. A significant discrepancy exists between ability and the following achievement areas:

_____ Listening Comprehension
_____ Oral Expression
_____ Basic Reading Skills
_____ Reading Comprehension
_____ Written Expression
_____ Mathematics Calculation
_____ Mathematics Reasoning

5. Basis for making discrepancy determination:

_____

_____

6. Is there evidence of a severe discrepancy between ability and achievement which is not correctable without special education and/or related services: ___Yes, ___No

7. *Ruled out as primary cause: (X)

___a. Physical/Sensory Handicaps
___b. Mental Retardation
_____c. Emotional Disturbance
_____d. Environmental, or cultural, economic disadvantage

*If not ruled out, the child is not eligible for learning disabilities placement.

8. Student's Name: _____

_____does _____does not meet the criteria to qualify as learning disabled.

_____ Agree_____**Disagree_____
Classroom Teacher

_____ Agree_____**Disagree_____
Diagnostic Team Member

_____ Agree_____**Disagree_____
Learning Disabilities Teacher

_____ Agree_____**Disagree_____
Other Specialist

_____ Agree_____**Disagree_____
Other Specialist

**If the team member disagrees he/she must submit a separate statement presenting his/her conclusions.

STATE DEPARTMENT OF EDUCATION

SDE Form 6
(1 of 2)

NOTIFICATION OF MEETING

To: _____ Address _____
Parent/Guardian/Surrogate Parent

_____
City State Zip Code Phone

Name of Child _____ Birthdate _____

School _____ Grade _____

We would like to meet with you at

_____
Location Address

on _____ at _____
Date Time

to discuss your child's:

_____ Comprehensive Evaluation (results, tests administered, etc.)
_____ Eligibility
_____ Placement/Individualized Education Program (IEP)
_____ Review of Placement/IEP
_____ Reevaluation and Review of Placement/IEP
_____ Other options to be considered (if applicable):

_____
_____
_____

This conference will provide an opportunity to discuss your child's educational program and any changes that may be necessary for provision of appropriate services. You may ask anyone you wish to attend.

The people indicated below, by position, will be in attendance:

Name	Position	Name	Position
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Please contact the person at the address or phone number below by ___/___/___ as to whether you can meet with us at the time and place suggested or if other arrangements convenient for you should be made. As the parent of a child who has been formally evaluated and/or is receiving special education services, you have certain **rights** which are explained on the back of this form. Please review them carefully. Your child's educational program and services will not be changed without prior written notification. If you have questions about your rights, or this notice, please contact the person below.

SIGNATURE _____
School/Public Agency Designee Address Phone No. Date

SCHOOL/USE ONLY: Notice sent by: _____ U.S. Mail Date Mailed _____

_____ Personal Delivery Date Delivered _____

Translation/Interpretation needed: _____ No _____ Yes. If yes, specify how and when provided _____

_____

STATE DEPARTMENT OF EDUCATION
PARENTS RIGHTS IN SPECIAL EDUCATION

As the parent/guardian/surrogate parent of a child who is receiving a formal evaluation and/or special education services, you have certain rights according to state and federal regulations. They are explained below in abbreviated form. If you have questions about special education services for your child or about these rights, please contact the State Department of Education, Special Education Services, 405/521-3351, or your local school/public agency.

RECORDS--You have the right to: (1) inspect and review your child's education records which shall be maintained confidentially at all stages; (2) ask for an explanation of any item in the records; (3) have a representative inspect and review the records; (4) request copies of records, the school /public agency may charge reasonable fees for copies but fees may not prevent the right to access; (5) be informed, on request, of locations of records being collected or used; (6) ask for an amendment of any record you feel is inaccurate, misleading, or violates privacy rights; (7) request a hearing if the school/public agency does not voluntarily amend records about which you have concern; (8) give or withhold consent to disclose your child's records; (9) be informed of persons that have accessed the records; (10) be informed before information in your child's file is to be destroyed.

CONSENT--Your consent must be given prior to an evaluation and before initial placement is made in special education. You may withhold or revoke consent at any time, understanding that in such cases the school/public agency has the right to request a hearing to determine if your child should be evaluated or initially placed in a special education program.

PRIOR NOTICE--You must be given written prior notice a reasonable time before the school/public agency proposes or refuses to: initiate or change the identification, evaluation, or educational placement of your child or provision of a free, appropriate public education to your child. This written notice must include the following: (1) a description of the action proposed or refused by the school/public agency, an explanation of why the school/public agency proposes or refuses to take the action, and a description of any options the school/public agency considered and the reasons why those options were rejected; (2) a description of each evaluation procedure, test, record, or report the school/public agency uses as a basis for the proposal or refusal; and (3) a description of any other factors which are relevant to the school's/public agency's proposal or refusal. The notice must be in your native language or other mode of communication, unless it is clearly not feasible to do so. If your native language or other mode of communication is not a written language, the school/public agency shall take steps to ensure that: (1) the notice is translated orally or by other means to you in your native language or other mode of communication, (2) you understand the contents of the notice, and (3) there is written evidence that these responsibilities have been met.

PROTECTION IN EVALUATION PROCEDURES--Testing and evaluation materials shall: be provided and administered in your child's native language or other mode of communication, unless it is clearly not feasible to do so; be validated for the specific purpose for which they are used; and be administered by trained personnel in conformance with the instructions provided by their producer. No single procedure will be used as the sole criterion for determining an appropriate educational program for your child and the evaluation will be made by a multidisciplinary team or group of persons, including one teacher or other specialist with knowledge in the area of suspected disability. Your child will be assessed in all areas related to the suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. You have the right to receive a description of each evaluation procedure, test, record, or report the school/public agency uses in this process. You have the right to have a reevaluation conducted for your child every three years or more often if warranted or if you or your child's teacher requests it.

INDEPENDENT EVALUATION--You have the right to: (1) be informed where an independent evaluation may be obtained; (2) be informed of the procedures for obtaining an independent evaluation at public expense and the conditions under which such an evaluation may be obtained; (3) an independent evaluation at public expense if the school's/public agency's evaluation is determined to be inappropriate; (4) have the independent evaluation considered when placement and program decisions are made.

LEAST RESTRICTIVE ENVIRONMENT--You have the right to: (1) have your child educated with nonhandicapped children to the maximum extent appropriate; (2) have your child educated in the regular educational environment unless the nature or severity of your child's handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; (3) have a continuum of alternative placements available for consideration; (4) have placement in the school your child would attend if nonhandicapped unless the individualized education program requires some other arrangement; (5) have your child provided an equal opportunity to participate in nonacademic and extra-curricular services and activities; (6) have consideration be given to any potential harmful effect on your child or on the quality of services your child needs.

INDIVIDUALIZED EDUCATION PROGRAM (IEP): You have the right to know that the local school/public agency shall give you the opportunity to participate in IEP development and all IEP reviews for your child. (300.345)

HEARING--You have the right to: (1) request an impartial due process hearing to question the identification, evaluation or placement of your child, or to question the provision of a free appropriate public education; (2) have a hearing decision from a state appointed hearing officer; (3) be told of any free or low-cost legal and other relevant services available; (4) see a statement of the qualifications of the hearing officer; (5) be advised and accompanied at the hearing by counsel and/or individuals with special knowledge or training in problems of the handicapped; (6) have your child present; (7) have the hearing open or closed to the public; (8) present evidence and confront, cross-examine, and compel the attendance of witnesses; (9) prohibit the introduction of any evidence at the hearing that has not been disclosed at least five days before the hearing; (10) have a written or electronic verbatim record of the hearing; (11) obtain written findings of fact and a written decision within 45 days after the State Department of Education receives the initial request for the hearing; (12) request an appeal of the hearing decision; (13) appeal in court a decision from the appeal hearing officer; (14) have your child remain in his or her present educational placement while the administrative proceedings are pending, unless you and the school/public agency agree otherwise; (15) request that certain fees incurred by you during these proceedings be paid by the school/public agency should you "prevail" in such proceedings, subject to the provisions of the Handicapped Children's Protection Act of 1986.

HOW TO REQUEST A DUE PROCESS HEARING--A request for a due process hearing must be in writing, signed, and addressed to the local school administrator, and include: your child's name, date of birth, current grade or class placement, and the reason for challenging the identification, evaluation, placement or appropriateness of the education for your child. A copy of this request must also be mailed to the State Department of Education, Special Education Services, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

BEST COPY AVAILABLE

SDE Form No. 7

STATE DEPARTMENT OF EDUCATION

RECORD OF PARENT CONTACTS

Name of Student _____ Birthdate _____ School _____

Date of Contact Month/Day/Year	Purpose of Contact	How Contact Was Made/Attempted	Person Making Contact	Response/Results of Contact
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				

REGULATIONS REQUIRE THAT ATTEMPTS TO CONTACT PARENTS FOR MEETINGS BE DOCUMENTED in accordance with 34 CFR Section 300.345. For meetings conducted without a parent in attendance, the agency must have a record of its **attempts** to arrange a mutually agreed on time and place. The procedure used to notify parents is left to the discretion of the agency and may be oral, written, or both. See *Policies and Procedures Manual for Special Education in Oklahoma* regarding the required content of the notification to parents prior to meetings.

☐ Interim

STATE DEPARTMENT OF EDUCATION

SDE Form 8

CATEGORICAL ELIGIBILITY STATEMENT

School Year _____

School District/Public Agency _____ County _____

Name of Student _____ Birthdate _____

School _____ Grade _____

Based on the multidisciplinary evaluation and the student's current educational performance, the following team members have determined that the above named student ___does ___does not meet the eligibility criteria for special education programming for the

_____

(Handicapping Category. If multihandicapped, also list the two concomitant disabilities.)

Signature _____ Position _____ Date _____

Signature _____ Position _____ Date _____

Signature _____ Position _____ Date _____

Signature _____ Position _____ Date _____

Note: The multidisciplinary evaluation team determines eligibility for special education services. The IEP team, which includes the parents, will determine appropriate placement and services to be provided for eligible children with disabilities.

I have been consulted and have been given an explanation of the multidisciplinary evaluation results, the tests administered, and the nature of this handicapping category. I have also received a written statement of my rights concerning the decisions of this team.

Signature of Parent/Guardian/Surrogate Parent _____

Date _____

If this child is eligible for special education/related services, a continuum of alternative placements shall be available to meet his or her needs. This continuum includes: instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions.

If this child is not eligible for special education programming, here are some recommendations for service in the regular classroom:

_____

_____

_____

_____

☐ Interim

STATE DEPARTMENT OF EDUCATION

INDIVIDUALIZED EDUCATION PROGRAM

SDE Form 9
(pg. 1 of _)

Name_____ District_____ Site_____ Date_____
Month/Day/Year

Address_____ Grade_____ Birthdate_____ Age_____

Statement of Child's Present Levels of Educational Performance_____

_____

_____

_____

Statement of Strengths:_____

_____

_____

Statement of Weaknesses:_____

_____

_____

Annual Goals:_____

_____

_____

_____

_____

_____

_____

Describe why, even with adaptations, removal from the regular educational environment to this extent is required:

_____

_____

_____

Short Term Instructional Objectives (Measurable)	Specific Educational & Related Services	Position/Person(s) Responsible	Amount of Time	Beginning Date (mo/da/yr)	Ending Date (mo/da/yr)	Evaluation Procedures	Objective Achieved

Name_____ (pg. __ of __)

Short Term Instructional Objectives (Measurable)	Specific Educational & Related Services	Position/Person(s) Responsible	Amount of Time	Beginning Date (mo/da/yr)	Ending Date (mo/da/yr)	Evaluation Procedures	Objective Achieved

107

108

Name_____

INDIVIDUALIZED EDUCATION PROGRAM

Short Term Instructional Objectives (Measurable)	Specific Educational & Related Services	Position/Person(s) Responsible	Amount of Time	Beginning Date (mo/da/yr)	Ending Date (mo/da/yr)	Evaluation Procedures	Objective Achieved
Amount of time in regular academic instructional classroom(s)_____ Adaptations required: No ☐ Yes ☐ Objective(s):							
Physical Education Regular ☐ Not Applicable ☐ Explain: Adaptive ☐ Objective:							
TRANSITIONAL PLANNING: Vocational Education (If 8th grade or above, this section must be addressed) No ☐ Explain: Yes ☐ Objective: Vocational Rehabilitation (If age 16 or above, this section must be addressed) No ☐ Explain: Yes ☐ Objective:							

Name_____ (pg. __ of __)

INDIVIDUALIZED EDUCATION PROGRAM

LEAST RESTRICTIVE ENVIRONMENT:

A. Check the placement which is least restrictive based upon the multidisciplinary evaluation and the individualized educational needs of this child:

___ Full-time regular class--consultant
___ Full-time regular class--itinerant teacher
___ Full-time regular class--resource teacher
___ Part-time special education placement
___ Full-time special education placement
___ Special day school (___public, ___private)
___ Homebased
___ Residential (___public, ___private)
___ Hospital

B. List lesser restrictive placement options considered and the reasons why those options were rejected:

Option(s) 1. _____ Reason: _____

2. _____ Reason: _____

C. 1. Is this educational placement as close as possible to the child's residence? ___Yes ___No. If no, explain: _____

_____

2. Have advantages and disadvantages of this placement and the quality of services been considered? ___Yes ___No. If no, explain: _____

_____

3. To the maximum extent appropriate, is this child educated with age appropriate non-handicapped? ___Yes ___No. If no, explain: _____

_____

4. If separate facilities are utilized, provide justification: _____

_____

D. Full Educational Opportunity (include participation in non-academic, extra curricular activities): _____

_____

Least Restrictive Environment:
All team members agree that this IEP presents the least restrictive environment for this student. ☐Yes ☐No.
If no, explain:

Comments:_____

_____

_____

_____

_____

Date of next IEP meeting_____
(month/day/year)

Participants in IEP Team Meeting

Parent(s)_____

Special Education Teacher_____

Regular Classroom Teacher_____

Administrative Representative_____

Others: _____

Parents have been given an opportunity to participate in the development of this IEP. Yes ☐ No ☐. If no explain:

Participation in state mandated group testing requested by parents Yes ☐ No ☐

STATE DEPARTMENT OF EDUCATION

SDE Form 10

REVIEW OF PLACEMENT/IEP

Date of Review _____
mo/da/yr

Child's Name _____ Date of Birth _____

Address _____
Street or P. O. Box City Zip

Telephone _____ Parent _____

I. Present Placement (service delivery type, related services):

_____

_____

II. Assessment of Current Status (progress in attainment of IEP objectives):

_____

_____

III. Placement options considered which do not appear appropriate (describe continuum or other alternatives reviewed and reason(s) why not appropriate):

_____

_____

IV. Recommendations:

_____ Continue same type of service delivery

_____ Increase amount of time in special education programming

_____ Decrease amount of time in special education programming

_____ Return to regular classroom full-time with IEP

_____ The team from this LEA has reviewed previous records and the categorical eligibility from the former school and agrees that this newly enrolled student is eligible.

_____ Exited from special education:

___Completion of a secondary program

___Determined not eligible (must also complete Categorical Eligibility Form)

_____ Explore other alternative (describe)

_____

Basis for making above recommendations(s): _____

_____

V. Additional Comments: _____

_____

Review of Placement/IEP Team

Special Education Teacher _____

Regular Classroom Teacher _____

Administrator or Designee _____

Parent(s) _____

Others _____

STATE DEPARTMENT OF EDUCATION SDE Form 11

CONFIDENTIALITY PROCEDURES

In _____(School)

_____(Name)

_____(Position)

will be responsible for all confidential records of students with disabilities.

These records will be kept in _____(Place) and will be secured in a locked area. All confidential records will be kept in a separate folder and not in the child's regular school cumulative folder.

The following persons who are responsible for educational services for students with disabilities, the parent/guardians, and eligible students over 18 years old, may have access to the records when they have a legitimate educational interest:

- Special Education Teacher
- Regular Teacher
- Administrators and Designated Administrative Personnel
- Counselors, including Vocational Rehabilitation
- State Department of Education Personnel
- Vocational-Technical Education Personnel
- Parents/Guardians/Surrogate Parents
- Student (if over 18 years old)
- Paraprofessionals/Teacher Assistants
- Registered Physical Therapists
- Physical Therapist Assistants
- Occupational Therapists
- Certified Occupational Therapist Assistants
- School Psychologists & Psychometrists
- Speech/Language Pathologists/Therapists
- School Nurses
- Social Workers
- Other Related Service Providers
- Student Teachers

Unauthorized persons must have written parental permission to access the confidential records. In each student's confidential folder of special education records, a form will be kept showing a record of who saw the records, on what date, and the purpose.

Parents have the following rights to access these special education records relating to their children:

- The right to inspect and review any special education records collected, maintained, or used by this agency.
- The right to timely response, within 45 days, to requests concerning education records.
- The right to have records explained and interpreted after reasonable request.
- The right to request copies of information in the records, if failure to receive these copies would effectively prevent the parent from inspecting and reviewing the records. Schools may charge a minimal fee for copies.
- The right to have the parents' representative inspect and review the records.
- The right to inspect and review records will be presumed, unless the authority has been altered by court order, State statute, or other legally binding documents relating to such matters as divorce, separation, or custody.

Parents also have the right to request that records be amended if records are believed to be inaccurate, misleading, or in violation of the Family Educational Rights & Privacy act (FERPA). Documentation of decisions and actions made in response to the parents' request will be in a timely manner and will be maintained in the student's records. If the school decides not to amend the information as requested, parents shall be informed of their right to a FERPA hearing (34 CFR 99.22).

All confidential records, except the information needed on transcripts, will be destroyed after five years and determination that the records are no longer needed. When the records are no longer needed, parent requests to destroy the records will be honored. Parents will be notified 60 days before destruction and will be offered the opportunity to obtain the documents.

These confidentiality procedures will be posted around the school at strategic locations. Upon request, parents will be provided a copy of local policy for implementation of the Family Educational Rights & Privacy act (34 CFR Part 99) and requirements of 34 CFR 300.560-300.576.

_____
Signature of Superintendent

STATE DEPARTMENT OF EDUCATION

SDE Form 12

AUTHORITY TO TRANSFER EDUCATION RECORDS

TO: _____

_____

_____

STUDENT'S NAME _____ DATE OF BIRTH _____

In accordance with the Family Educational Rights and Privacy regulations (34 CFR 99.31)

_____ requests the transfer of all of the above student's
School District/Agency

education records. This would include but not be limited to health, grades, cumulative, and confidential records (PL 94-142, etc.).

The above mentioned student intends to enroll or is enrolled in our district. Therefore, please send records to:

_____
School District/Agency

_____
School/Agency Administrator or Representative

_____
Address

_____
City State Zip

Sincerely,

_____
School/Agency Administrator or Representative

_____
Date

_____ assures that subsequent disclosure of the above records
District/Agency

will be in accordance with 34 CFR 99.31.

STATE DEPARTMENT OF EDUCATION SDE Form 13

CONSENT TO RELEASE INFORMATION (THIRD PARTIES)

As the parent or legal guardian of _____
(Name of Student) (Date of Birth)

_____ _____
(School Site) (School District)

I give consent for the following information and records _____

_____

_____

_____

to be made available to _____
(Name/Agency)

_____

for the purpose of _____

_____

_____ _____
(Date) (Parent/Legal Guardian Signature)

Please send a copy of the information to the following address(es):

_____ _____
(Name) (Name)

_____ _____
(Street Address) (Street Address)

_____ _____
City State Zip City State Zip

These confidential education records and information will be maintained in accordance with the Family Educational Rights and Privacy act (34 CFR Part 99).

SURROGATE PARENTS
VERIFICATION OF TRAINING

_____ has received training to act as a surrogate parent.

This training included:

Information regarding State and federal requirements for the education of handicapped children;

Parents rights;

Due process procedures and procedural safeguards;

Structures, procedures, and forms of the public agency educating the child;

The step-by-step process for delivery of special education services;

Information about the nature of child's disability and needs.

The surrogate parent has the responsibility of representing the handicapped child in all matters relating to:

The identification, evaluation, and educational placement of the child, and;

The provision of a free appropriate public education for the child.

Written information and training for skills and knowledge as a surrogate parent have been provided by:

Person Conducting the Training _____

Agency _____ Telephone _____

Address _____

Date of Training _____ Location _____

ASSIGNMENT

I understand the responsibilities of acting as a surrogate parent. I have no interests that conflict with the interests of the child and am not an employee of an agency involved with the care or education of the child.

Signature _____ Date _____

Address _____

Child's Name _____ Child's Birthdate _____

School District or Educational Agency _____

Contact Person for School/Agency _____

STATE DEPARTMENT OF EDUCATION

SDE Form 15
(1 of 2)

MEDICAL INFORMATION FORM

For Children with Health Related Problems

TO BE COMPLETED BY THE SCHOOL

Child_____ Date of birth_____ Current age_____ Sex_____

Address_____ Phone_____

School_____ Phone_____

Address_____ Phone_____

Referral date_____ Contact person_____ Phone_____

Medical concerns about this child are as follows:

At school

At home

NOTE: Consent to Release Information (SDE Form 13), with parent signature, is required.

TO BE COMPLETED BY A LICENSED DOCTOR OF MEDICINE OR OSTEOPATHY

Information in the following areas would be helpful to the school and parents in planning for the child's educational needs. Please respond as appropriate.

General health

Motor functioning

Neurological findings

Allergies

Medical Information Form (continued) Child_____

Diet considerations

Vision

Hearing

Other

Medications, including purpose

Please indicate ways in which any of the above may adversely affect behavior.

Is further medical evaluation or treatment planned for any specific area? If so, specify.

In what ways may your medical findings affect the school's educational or behavioral planning?

In what ways can school personnel facilitate ongoing communication with you?

This information will be maintained in accordance with the Family Educational Rights & Privacy act (34 CFR Part 99).

Physician's name, address, and telephone number
(*typed or stamped*)

_____
Physician's Signature

_____
Date

SDE Form 16
(1 of 2)

STATE DEPARTMENT OF EDUCATION

EYE REPORT
FOR CHILDREN WITH VISUAL PROBLEMS

Full legal name of child _____
Last First Middle

Birthdate _____ Sex _____ Home School _____ Grade _____

Legal Guardian _____ Address _____ Phone _____

Suggested Eligibility Standards: Corrected visual acuity of 20/70 or less, or visual field no greater than 20 degrees in the better eye, or a visual impairment which, even with the best correction, adversely affects performance in a regular class.

		Right (O.D.)		Left (O.S.)
Vision Without Glasses	Distant	_____	Distant	_____
	Near	_____	Near	_____
Vision With Glasses (Visual Acuity)	Distant	_____	Distant	_____
	Near	_____	Near	_____

I. CAUSE OF BLINDNESS OR VISUAL IMPAIRMENT

A. Present ocular conditions responsible for vision impairment. (If more than one, specify all but underline the one which probably first caused severe vision impairment.)
O.D. _____
O.S. _____

B. Preceding ocular condition, if any which led to present condition, specified in A.
O.D. _____
O.S. _____

C. Etiology (underlying cause) of ocular condition primarily for vision impairment. (e.g., specific disease, injury, poisoning heredity or other prenatal influence.)
O.D. _____
O.S. _____

D. If etiology is injury or poisoning, indicate circumstances and kind of object or poison involved.

_____

E. Probable age at onset of vision impairment. Right Eye (O.D.) _____ Left Eye (O.S.) _____

F. Is there impaired color perception? _____ If so, for what color(s)? _____

G. Does this child have a peripheral field of less than 20 degrees? _____ Yes _____ No

Does this child have restricted field? _____ Yes _____ No Degrees _____

H. What is your prognosis of this child's condition? _____

I. Is the condition stationary in your opinion? _____

II. RESTRICTIONS:

Close eye work _____ Physical Activity _____

Lighting Considerations _____

Need for low vision aid _____

III. *PREFERRED VISUAL ACUITY NOTATIONS*

A. DISTANT VISION: Use Snellen notation with test distance of 20 feet. (Example: 20/100, 20/60). For acuities less than 20/200 record distance at which 200 foot letter can be recognized as numerator of fraction and 200 as denominator. (Example: 10/200, 3/200). If the 200 foot letter is not recognized at one foot record abbreviation for best distant vision as follows:

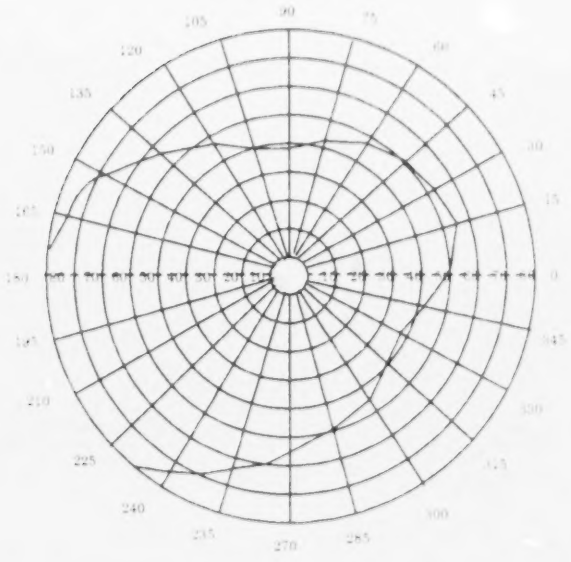
HM	HAND MOVEMENTS (Specify inches or feet)
PLL	PERCEIVES AND LOCALIZES LIGHT IN ONE OR MORE QUADRANTS
LP	PERCEIVES BUT DOES NOT LOCALIZE LIGHT
No LP	NO LIGHT PERCEPTION

B. NEAR VISION: Use standard A.M.A. notation and specify best distance at which pupil can read. (Example: 14/70 at 5 inches).

IV. FIELD OF VISION: Record results on chart below.

Type of test used: _____ Illumination in foot candles: _____

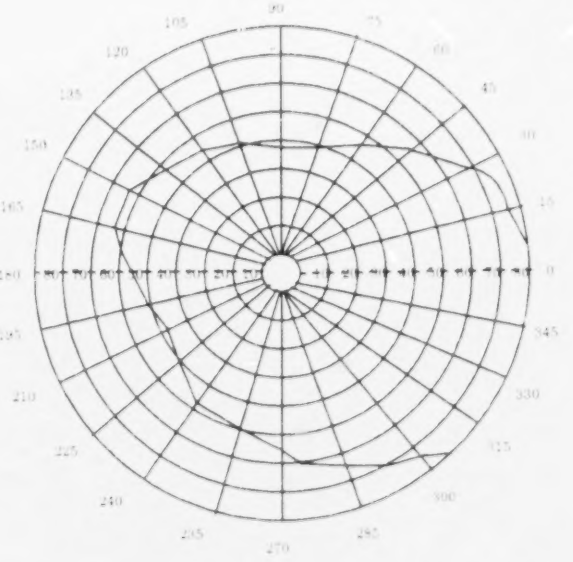
Left Eye (O.S.)



Test Object: Color(s) _____ Size(s) _____

Distance(s): _____

Right Eye (O.D.)



Test Object: Color(s) _____ Size(s) _____

Distance(s) _____

Other Comments: _____

_____

Examiner: _____

Address: _____

Date: _____

STATE DEPARTMENT OF EDUCATION

SDE Form 17

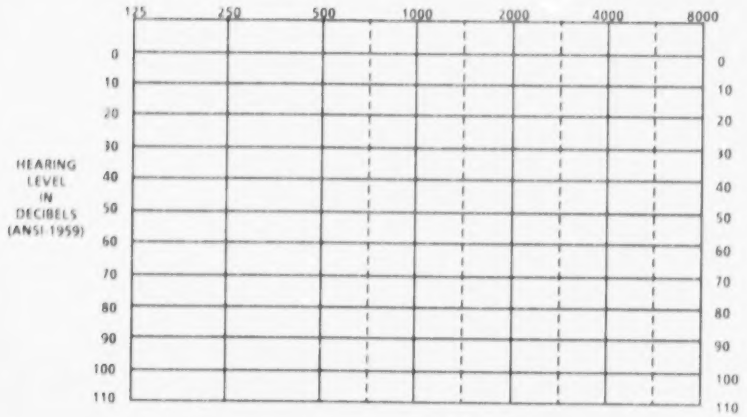
AUDIOGRAM
For Students with Hearing Problems

Name_____ Age_____ Sex_____ Data_____

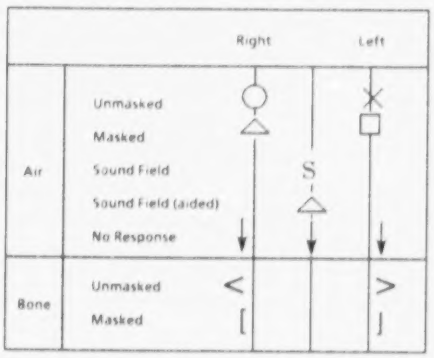
Audiologist_____ Audiometer_____ Reliability_____

AUDIOGRAM

FREQUENCY IN HERTZ



LEGEND



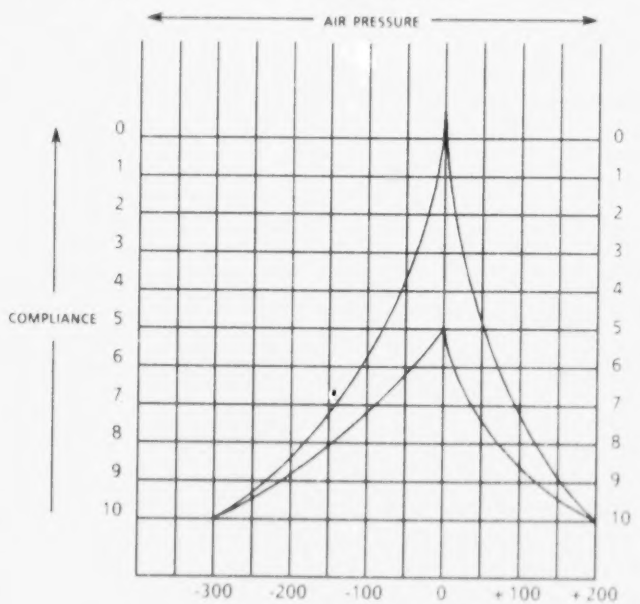
HEARING LOSS SUMMARY

	PTA	SRT	DISCRIM	SL
Right Ear				
Left Ear				
Sound Field				

ACOUSTIC REFLEX (HL)

		500	1000	2000	4000
Contralatoral Stimulation	RE				
	LE				
Ipsilatoral Stimulation	RE				
	LE				

TYMPANOGRAM



COMMENTS:

XVII. SPECIAL SERVICES FORMS

School Year 19___ - ___ Date Approved _____

By _____

OKLAHOMA STATE DEPARTMENT OF EDUCATION

Special Education Section

APPLICATION FOR CONDITIONAL PREAPPROVAL OF PLAN FOR EDUCATION OF HOMEBOUND CHILDREN

(Within one week after beginning program, return one copy)

County _____ Telephone _____

School _____ District # _____

Address _____

(Street/Box No.) (City) (Zip Code)

****

Pursuant to the requirements of the law providing for the education of homebound children, we submit herewith our application of conditional preapproval of the plan for special education as included herein.

STATE BOARD REGULATIONS

A handicapped student receiving instruction by a teacher on the homebound teaching program must be enrolled as a student in the school providing this special service. When a child is taught by a visiting teacher for at least one hour per day for three (3) days per week, the child shall be counted as having attended school five (5) days per week and his attendance shall be so entered in the school register.

School districts conducting approved home teaching programs must pay teachers of homebound children a minimum of nine dollars ($9) per hour for three (3) one hour home visits per week. Approved programs will be reimbursed at the end of each semester subject to available funds, not to exceed twenty-seven dollars ($27) per week per homebound child.

In addition to salary, reimbursement can be made at the maximum rate of 24 cents per mile for the necessary distance traveled by the homebound teacher, if the distance is two (2) or more miles per round trip. The distance is figured from the school the child would normally attend to the child's home.

Maximum state reimbursement for School-to-Home Telephone System is $300 per child per school year.

A physician's report for each child, certifying the need for the service is attached to this application.

The teacher working with the student must have a current valid Oklahoma teaching certificate.

The teacher must make a minimum of three (3) separate trips per week. Each trip must be of at least one hour duration.

We recognize that certification of this service for reimbursement of costs by the state depends upon: (1) our carrying out the plan of special education herein included; and (2) final approval by the State Department of Education, Special Education Section.

_____

Superintendent, Principal, or District Director of Special Education

School _____ Dist No. _____ County _____

A LIST OF HOMEBOUND CHILDREN TO BE TAUGHT

	Name of Child	Sex	Birthdate	Age	Miles From Child's Home to School	Date Requested for Beginning Service	Name of Teacher
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							

Fill out when School-to-Home Telephone System is used. Minimum time period three (3) months

(a) Age of child _____ (d) Air miles from school _____

(b) Grade _____ (e) Cost of installation $_____

(c) Number of phone jacks used _____ (f) Rental cost per month $_____

School Year 19___ - ___ Date Approved _____

By _____

OKLAHOMA STATE DEPARTMENT OF EDUCATION

Special Education Section

APPLICATION FOR CONDITIONAL PREAPPROVAL OF PLAN FOR EDUCATION OF HOMEBOUND PREGNANT/IN-SCHOOL PROGRAM FOR PREGNANT GIRLS

(Within one week after beginning program, return one copy)

County _____ Telephone _____

School _____ District # _____

Address _____

(Street/Box No.) (City) (Zip Code)

****

Pursuant to the requirements of the law providing for the education of homebound children, we submit herewith our application of conditional preapproval of the plan for special education as included herein.

STATE BOARD REGULATIONS

A handicapped student receiving instruction by a teacher on the homebound teaching program must be enrolled as a student in the school providing this special service. When a child is taught by a visiting teacher for at least one hour per day for three (3) days per week, the child shall be counted as having attended school five (5) days per week and his attendance shall be so entered in the school register.

School districts conducting approved home teaching programs must pay teachers of homebound children a minimum of nine dollars ($9) per hour for three (3) one hour home visits per week. Approved programs will be reimbursed at the end of each semester subject to available funds, not to exceed twenty-seven dollars ($27) per week per homebound child.

In addition to salary, reimbursement can be made at the maximum rate of 24 cents per mile for the necessary distance traveled by the homebound teacher, if the distance is two (2) or more miles per round trip. The distance is figured from the school the child would normally attend to the child's home.

Maximum state reimbursement for School-to-Home Telephone System is $300 per child per school year.

A physician's report for each child, certifying the need for the service is attached to this application.

The teacher working with the student must have a current valid Oklahoma teaching certificate.

The teacher must make a minimum of three (3) separate trips per week. Each trip must be of at least one hour duration.

We recognize that certification of this service for reimbursement of costs by the state depends upon: (1) our carrying out the plan of special education herein included; and (2) final approval by the State Department of Education, Special Education Section.

_____

Superintendent, Principal, or District Director
of Special Education

School _____ Dist No _____ County _____

A LIST OF PREGNANT GIRLS TO BE TAUGHT HOMEBOUND IN-SCHOOL PROGRAM

	Name of Child	Sex	Birthdate	Age	Miles From Child's Home to School	Date Requested for Beginning Service	Name of Teacher
1							
2							
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Fill out when School-to-Home Telephone System is used. Minimum time period three (3) months

(a) Age of child _____ (d) Air miles from school _____

(b) Grade _____ (e) Cost of installation $_____

(c) Number of phone jacks used _____ (f) Rental cost per month $_____

School Year 19___ - ___ Date Approved _____

By _____

OKLAHOMA STATE DEPARTMENT OF EDUCATION

Special Education Section

APPLICATION FOR CONDITIONAL PREAPPROVAL OF PLAN FOR OUT-OF-DISTRICT TRANSPORTATION FOR HANDICAPPED CHILDREN TO RECEIVE SPECIAL EDUCATION

County _____ Telephone _____

School _____ District # _____

Address _____
(Street/Box No.) (City) (Zip Code)

****

Complete in Duplicate
(Keep one copy)

Pursuant to the requirements of the law providing for transportation of handicapped children out-of-district, we submit herewith our application for conditional preapproval of plan for out-of-district transportation for handicapped children to receive special education.

Date requested for beginning special service:

_____
(Month) (Day) (Year)

We recognize that certification of this service or reimbursement of costs by the state depends upon: (1) our carrying out the plan of special education herein included; (2) final approval based on receipt of notarized application for aid indicating the costs have been paid.

_____
Superintendent, Principal, or District Director
of Special Education

OUT-OF-DISTRICT TRANSPORTATION
HANDICAPPED CHILDREN

School _____ City _____ Dist. No. _____

Pupil's Name	Home Dist. No.	Age/ Grade	No. Miles from Child's Home to School *	Public/ Private	Comments

* Show mileage for one round trip per day.

School Year 19___ - ___ Date Approved _____

By _____

OKLAHOMA STATE DEPARTMENT OF EDUCATION

Special Education Section

APPLICATION FOR CONDITIONAL PREAPPROVAL OF PLAN FOR HELPING PHYSICALLY HANDICAPPED CHILDREN ATTEND THE CLASSROOM

County _____ Telephone _____

School _____ District # _____

Address _____
(Street/Box No.) (City) (Zip Code)

****

Pursuant to the law providing for assistance to help a physically handicapped child attend the classroom, we submit herewith our application for conditional preapproval of the plan of service as included herein.

1. Date of beginning special service _____, 19 _____
2. A physician's report for each child is attached to this application.
3. All costs of this program MUST be paid before application for reimbursement is made.

We recognize that certification of this service for reimbursement of costs by the state depends upon our carrying out the plan of special education herein included and final approval based upon receipt of notarized application for aid indicating the costs have been paid.

_____
Superintendent, Principal, or District Director
of Special Education

TYPE OF SERVICE TO BE GIVEN

1. Personal help:

   a. _____
   (Specify reader, aide, etc.)

   _____
   (Name and address of person rendering service)

   (1) Number of children _____ Type of handicap _____

   (2) Number of hours worked per week _____

   (3) Rate of pay per hour _____ Total per week _____

   b. Type of assistance given to child (i.e., moving about school building, on or off bus, in classroom, etc.)

   (1) Describe service given: _____

   _____

   _____

   _____

   _____

   _____

   (2) Cost per day for service: _____

   Maximum state reimbursement is $225 per semester per child.

Pupil's Name	Age	Grade

School Year 19___ - ___

Date Approved _____

By _____

OKLAHOMA STATE DEPARTMENT OF EDUCATION

Special Education Section

APPLICATION FOR CONDITIONAL PREAPPROVAL OF PLAN FOR HELPING DEAF-BLIND CHILDREN ATTEND THE CLASSROOM

(Within one week after beginning the program, return one copy)

County _____ Telephone _____

School _____ District # _____

Address _____
(Street/Box No.) (City) (Zip Code)

****

Pursuant to the law providing for assistance to help a deaf-blind child attend the classroom, we submit herewith our application for conditional preapproval of the plan of service as included herein.

1. Date of beginning special service _____, 19 _____
2. A physician's report for each child is attached to this application.
3. All costs of this program MUST be paid before application for reimbursement is made.

We recognize that certification of this service for reimbursement of costs by the state depends upon our carrying out the plan of special education herein included and final approval based upon receipt of notarized application for aid indicating the costs have been paid.

_____
Superintendent, Principal, or District Director
of Special Education

TYPE OF SERVICE TO BE GIVEN

1. Personal help:

   a. _____
   (Specify reader, aide, etc.)

   _____
   (Name and address of person rendering service)

   (1) Number of children _____ Type of handicap _____
   (Deaf-Blind)

   (2) Number of hours worked per week _____

   (3) Rate of pay per hour _____ Total per week _____

   b. Type of assistance given to child (i.e., moving about school building, on or off bus, in classroom, providing transportation, etc.)

   (1) Describe service given: _____

   _____

   _____

   _____

   _____

   _____

   (2) Cost per day for service: _____

   Maximum state reimbursement is $2,500 per semester per child.

Pupil's Name	Age	Grade

School Year 19___ - ___ Date Approved _____

By _____

OKLAHOMA STATE DEPARTMENT OF EDUCATION

Special Education Section

APPLICATION FOR CONDITIONAL PREAPPROVAL OF PLAN FOR TRAVEL OF SPECIAL EDUCATION TEACHER IN A COUNTY OR COOPERATIVE DISTRICTS

County _____ Telephone _____

School _____ District # _____

Address _____

(Street/Box No.) (City) (Zip Code)

****

COMPLETE IN DUPLICATE
(Keep one Copy)

I, the County Superintendent of _____ County, hereby certify that said county qualifies for and maintains travel service for special education teacher in order that two or more school districts may participate in the special education service as provided for in Article XIII, Oklahoma School Code, and hereby make application for preapproval for teacher travel.

_____

Name of Teacher Home Address

_____

City Zip Code

All costs of this program MUST be paid before application for reimbursement is made.

We recognize that certification of this service for reimbursement of costs by the state depends upon our carrying out the plan of special education herein included and final approval based on receipt of notarized application for aid indicating the costs have been paid.

_____

Superintendent, Principal, or District Director of Special Education

School Year 19 ___ - ___ Date Approved _____

By _____

OKLAHOMA STATE DEPARTMENT OF EDUCATION

Special Education Section

APPLICATION FOR CONDITIONAL PREAPPROVAL FOR FULL-TIME PHYSICAL OR OCCUPATIONAL THERAPIST / LICENSED PHYSICAL THERAPIST ASSISTANTS (PTA) / CERTIFIED OCCUPATIONAL THERAPIST ASSISTANTS (COTA)

County _____ Telephone _____

School _____ District # _____

Address _____
(Street/Box No.) (City) (Zip Code)

****

Reimbursement in the amount of $1,250 for first semester and $1,250 for second semester ($2,500 per school year) will be made for a full-time physical therapist, occupational therapist, PTA, or COTA employed exclusively by applicant for the specified school year. (No reimbursement will be made on a part-time or contracted basis.)

****

Application is hereby made for reimbursement in the amount of $2,500 for school year 19 ___ - ___ (to be made in the amount of $1,250 for first semester and $1,250 for second semester) for a full-time physical therapist, occupational therapist, PTA, or COTA.

_____
Name of Therapist Home Address

_____
City Zip Code

Check one: P.T. _____ O.T. _____

P.T.A. _____ C.O.T.A. _____ License/Certificate No. _____

PLEASE COMPLETE REVERSE SIDE

Pursuant to the laws providing for assistance to handicapped children, we submit herewith our application for conditional preapproval of the employment of a full-time physicial or occupational therapist, PTA, or COTA.

All costs of this program MUST be paid before application for reimbursement is made.

We recognize that certification of this service for reimbursement of costs by the state depends upon our carrying out the plan of special education herein included and final approval based on receipt of notarized application for aid indicating that the costs have been paid.

_____

Superintendent, Principal, or District Director
of Special Education

OKLAHOMA STATE DEPARTMENT OF EDUCATION

Special Education Section

PHYSICIAN'S REPORT

(Return one copy)

Name _____ Date _____

Age _____ Grade _____ Telephone _____

Address _____
(Street) (City) (Zip Code)

City in which child is attending school _____

Parent's Name _____

Diagnosis: _____
(Please Print or Type)

Note: If diagnosis is pregnancy, give estimated date of confinement.

_____

Give approximate length of time that the child will be physically unable to attend school in the regular or special classroom. _____

Is the child physically able to have homebound instruction for a 60-minute period? _____

If not, how long? _____

Comments:

_____

_____

_____

Signed: _____ M.D.

Address: _____

_____

Phone: _____

Date: _____

XV. SELECTED OKLAHOMA STATE LAWS FOR SPECIAL EDUCATION

1989 SCHOOL LAWS OF OKLAHOMA

ARTICLE XIII

SPECIAL EDUCATION FOR EXCEPTIONAL CHILDREN

Section 213. Programs for Special Education--Exceptional Children Defined.

The several school districts of Oklahoma are hereby authorized to provide special services necessary for exceptional children as hereinafter defined. Two or more school districts may establish cooperative programs of special education for exceptional children when such arrangement is approved by the State Board of Education. The county superintendent of schools of any county may establish and maintain a special education program, with the approval of the State Board of Education, and county funds may be expended for such purposes. Any school district or districts located wholly or in part in a county may participate in any such program so established by the county superintendent of schools and shall have authority to contribute school district funds, either directly or by reimbursement to the county participating in such program. Funds may be expended for school services for an additional period not to exceed forty (40) days during the summer months for approved programs for qualified children, who are severely or profoundly multiple-handicapped, provided their individualized education program (IEP) states the need for a continuing education experience to prevent loss of educational achievement or basic life skills. Prior to July 1, 1990, exceptional children shall mean educable mentally handicapped children, trainable mentally retarded children, speech-defective children, emotionally disturbed or perceptually handicapped children, children with special health problems, children requiring the services of a visiting counselor, children with specific learning disabilities as a result of neurological impairment, multiple-handicapped children and other handicapped children of four (4) years of age as of the first day of September of the school year, and on and after July 1, 1990 of three (3) years of age; provided up to July 1, 1991, that there shall be no set minimum age for children who are blind partially blind children, deaf and hard-of-hearing children and low incidence severely multiple-handicapped children, i.e., deaf-blind, retarded-cerebral palsied, autistic and other children failing to thrive.

Provided, on and after July 1, 1991, children from age birth through two (2) years (0-36 months) of age who meet the eligibility criteria specified in Section 3 of the Oklahoma Early Interventon Act, shall be served pursuant to the provisions of the Oklahoma Early Intervention Act; further provided that any children served shall be bona fide residents of this state, whose conditions are such that it is impractical or impossible for them to benefit from or participate in the regular classroom program of the public schools in the district in which they reside and whose education requires a modification of the classroom program. Provided, that the attendance of said children in special education classes shall be included in the average daily attendance computations for State Aid purposes.

It shall be the duty of each school district to provide special education for all exceptional children as herein defined who reside in that school district. This duty may be satisfied by:

1. The district directly providing special education for such children;

2. The district joining in a cooperative program with another district or districts to provide special education for such children;

3. The district joining in a cooperative program with a private or public institution within such district to provide special education for children who are deaf or hard-of-hearing, or for children who are blind or partially blind; or

4. Transferring certified exceptional children to the other school districts which accept them and provide special education for such children, with the district in which the child resides paying tuition therefore as hereinafter provided. (70-13-101)

See Section 224 herein as to Special Education programs for partially sighted children.

School district has obligation to provide special education for exceptional and handicapped children, which may be fulfilled by any of several authorized methods, including transfers to other districts. September 29, 1972

Local School District and not State Department of Education have primary responsibility for providing special education programs. May 27, 1977 (AG Op. No. 77-169)

No minimum age requirement for participation in special education program for children classified as "other children failing to thrive from birth." May 27, 1977. AG Op. No. 77-169

Parents of child under age of 3 years who has been identified as eligible for receiving instruction and services pursuant to Individualized Education Program have right to a "Due Process Hearing" for any of the reasons any other handicapped child may request a hearing. February 24, 1982. (AG Op. No. 82-61)

Section 214. Eligible Minimum Period of Attendance.

The determination whether a child is eligible for special education shall be made by the board of education of the school district in which such child resides, under rules and regulations approved by the State Board of Education; provided; however, that the eligibility of exceptional children shall be reevaluated at least once every three (3) years. Any child determined to be eligible shall be permitted to receive such special education for a minimum period of twelve (12) years.

In those instances involving the proposed transfer of exceptional children from one district to another, the State Board of Education is authorized to promulgate rules and regulations for the reimbursement to the local board of education for payment of charges for the services of psychologists and physicians necessary for ascertaining eligibility of pupils for special education and, as to those accepted for special education instruction, for reimbursement to the local board of education for expenditures made for any subsequent reevaluation deemed desirable by the board of education of the district providing special education instruction of the pupil. (70-13-102)

A child is entitled to continue special education at junior high school and high school level if he is capable. September 29, 1972

Home district must bear cost of determining eligibility for special education. September 29, 1972

Not mandatory to provide classes for trainable mentally retarded children until they reach 21 years of age, but only that classes be provided for a minimum of 12 years. January 9, 1976

Section 215. Authorized Provisions for Education of Exceptional Children.

Any school district in the state may provide suitable facilities and employ qualified teachers and therapists for exceptional children, either in schools, classrooms, or in such other places as the board of education of the district may deem advisable. When school district does not provide special education facilities and qualified teachers, said children may be transferred to another school district, with the consent of the board of education thereof, where suitable facilities and teachers are provided. Transfers authorized by this section shall be made under such rules and regulations as the State Board of Education may prescribe to a result that the sending district sustain an equitable proportion of the operating costs of the program of the district to which the pupil is transferred. When an exceptional child or pregnant child is unable to attend any school or class in the district of which he is a resident, the board of education of said district, with the approval of the State Board of Education, may provide for home instruction for such child. The State Board of Education is further authorized to cooperate with any school district of the state to make it possible for an exceptional child to attend the regular school by making special provisions for

the transportation of such child, or for special equipment, devices, books, supplies or other facilities, or for special instruction within the regular school building. (70-13-103)

School District has an obligation to provide special education for exceptional handicapped children which may be fulfilled by any of several authorized methods, including transfers to other districts. September 29, 1972

Sending district must reimburse receiving district for transferred student's share of receiving district's cost in conducting special education. September 29, 1972

Provisions of this Section as to transfers of exceptional children superseded general school transfer statutes. January 13, 1984 (AG Op. No. 83-79)

Section 216. Special Classes of Individual Instruction for Children in Institutions.

Special classes or individual instruction provided for pretubercular, tubercular, convalescent or other physically handicapped children in hospitals, sanatoriums and preventoriums may be maintained by a school district in such institutions within or without the boundaries of such district, and the attendance of pupils therein shall be credited to the district providing such instruction. (70-13-104)

Section 217. Qualifications of Teachers and Minimum Requirements.

The State Board of Education is hereby authorized to determine and prescribe the qualifications of all persons who teach exceptional children, to define, classify and determine standards of eligibility of all exceptional children to receive special education, to fix minimum requirements for special education of exceptional children, and to make such rules and regulations as it deems necessary for the teaching of exceptional children. (70-13-105)

Section 218. State Appropriations--Distribution.

State monies appropriated to carry out the provisions of laws dealing with the education of exceptional children shall be apportioned by the State Board of Education among the various school districts of the state providing such educational facilities for exceptional children in accordance with the standards and rules and regulations prescribed by the State Board of Education. State funds for the education of such exceptional children shall be distributed on a teaching unit basis in accordance with rules and regulations to be adopted for such purpose by the State Board of Education. The State Board of Education shall determine the size of classes and other requirements for all such teaching units. (70-13-106)

Section 219. Federal Funds.

The State Board of Education is hereby empowered to accept and disburse any grants or funds that may be matched by or received from the federal government for the education of exceptional children and to make necessary rules and regulations for such purpose. (70-13-107)

Section 220. State Funds--Allowances for Special Education.

A. The State Board of Education is hereby authorized to establish all necessary rules and regulations and set the rate of reimbursement for physical and occupational therapists, teachers of homebound children or home-to-school telephone instruction, board and room for transferred handicapped children to attend a special class, travel for transporting handicapped and exceptional children within or without the district, and travel for teachers who are required to travel in fulfilling the services for handicapped children in homebound, cooperative, or county programs for exceptional children.

B. The State Board of Education may make provisions for boarding exceptional children who must be transferred from their home school districts to school districts providing special education, but in no case shall the reimbursement from other state funds for this purpose exceed Four Hundred Fifty Dollars (450.00) per child per year.

C. The State Board of Education may make provisions and payments therefor from other state funds for the special education of any deaf and blind child, resident of the state, in any private or public institution, either inside or outside the State of Oklahoma, but in no case shall payment from state funds for such special education, including board and room for such child, exceed Five Thousand Dollars ($5,000.00) per child per year.

D. None of the funds received by a school district under the provisions of this section shall be construed as a part of the chargeable income of such district for State Aid purposes.

Handicapped children other than deaf and blind students may be placed outside of the State if necessary to comply with Federal Education For All Handicapped Children's Act. March 18, 1983 (AG Op. No. 83-5)

E. None of the funds referred to in this section shall be allowed or paid to a school district for any of the following:

1. For any teaching unit or class organized with less than eight (8) educable mentally-handicapped children.

2. For any teaching unit or class organized for speech-defective children with a number less than that specified by the State Board of Education.

3. For any teaching unit or class consisting of children who are both deaf and blind, except as specified in subsection C this section.

4. For any teaching unit or class organized with less than five (5) other exceptional children. (70-13-108)

Section 221. Personnel to Administer Article.

The State Board of Education shall appoint and employ and fix the compensation and duties of necessary personnel and incur other necessary expenses, including cost of consultants, to administer and carry out the provisions of this article, and such compensation and other expenses shall be paid from any funds appropriated to carry out the provisions of this article. (70-13-109)

Section 222. Teachers--Pay.

Qualified and properly certified teachers of special education shall be paid a minimum of five percent (5%) above the prevailing wage paid teachers of normal children in the same school district. (70-13-110)

Section 223. Register of Children--Needs to be Met.

A. The State Board of Education shall:

1. Maintain a register of educable mentally-handicapped children, trainable mentally-retarded children, speech-defective children, emotionally-disturbed children, perceptually-handicapped children and other handicapped children, and to use all means and measures necessary to meet the physical needs of all such educable and trainable children, as provided for by law; and

2. Stimulate all private and public efforts to relieve, care for, cure, educate or train handicapped children, and to coordinate said efforts with the work and function of governmental agencies. (70-13-111)

B. 1. The Department of Mental Health, the State Department of Health, the Department of Human Services, the State Department of Education, and the State Department of Vocational and Technical Education shall jointly develop and implement through interagency memoranda of agreement as authorized in the Interlocal Cooperation Act a plan for the coordinated delivery of related services to exceptional children with nominal cost to the school district. The development of the plan for the delivery of related services shall be coordinated by the State Department of Education, which shall evaluate and review the implementation of the plan and include its findings in an annual report to the Legislature.

2. Implementation of said plan shall begin with the 1983-84 school year, and shall utilize the resources available to each of the agencies specified in this subsection as appropriate to each agency for the delivery of related services.

3. As used in this subsection, "related services" means transportation and such developmental, corrective, and other supportive services as are required to assist an exceptional child, as defined in Section 13-101 of this title, to benefit from special education, and includes but is not limited to speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of exceptional children, counseling services, and medical services for diagnostic or evaluation purposes. The term also includes health services, social work services, and parent counseling and training services available to the citizens of this state. (70-13-111)

Section 224. Special Education Programs for Partially-Sighted Children.

The State Board of Education is authorized to select school districts in which to establish a special education program for partially-sighted children from the first grade through the ninth grade. The selection of the school districts, the establishment of the special education program and the determination of eligible children shall be in accordance with the provisions in Title 70 of the Oklahoma Statutes 1971, Article 13, and with the rules and regulations to be adopted for such purpose by the State Board of Education. (70-13-112)

Section 225. Apportionment and Distribution of Funds.

State monies appropriated to carry out the provisions of this act shall be apportioned by the State Board of Education among the school districts providing a special education program for partially-sighted children. The apportionment and distribution of state funds shall be on a per student basis and in accordance with the rules and regulations to be adopted for such purpose by the State Board of Education. (70-13-113)

Section 225.1. Oklahoma Early Intervention Act.

Sections 1 through 9 of this act shall be know and may be cited as the "Oklahoma Early Intervention Act". (70-13-121)

Section 225.2. Purpose.

A. It is the purpose of the Oklahoma Early Intervention Act to establish the policy of this state to provide for early intervention services to handicapped infants and toddlers and their families in accordance with federal law P.L. 99-457. These services are deemed to be necessary in order to:

1. enhance the development of handicapped infants and toddlers;

2. reduce the educational costs to our society by minimizing the need for special education after such children reach school age;

3. minimize the likelihood of institutionalization of handicapped individuals and maximize their potential for independent living in society; and

4. enhance the capacity of families to meet the needs of their infants and toddlers with handicaps.

B. The implementation of this policy requires the development of a system of services to handicapped infants, toddlers and their families which is:

1. comprehensive, coordinated, multi-disciplinary and interagency;

2. delivered by the State Department of Education, Oklahoma State Department of Health, the Department of Human Services, the Department of Mental Health and other publicly funded services for handicapped infants and toddlers subject to the provisions of the Oklahoma Early Intervention Act; and

3. intended to fulfill the requirements of Part H of the federal Education of the Handicapped Act by providing early intervention services. (70-13-122)

Section 225.3. Eligibility Requirements.

The children eligible for early intervention services in the State of Oklahoma shall be infants and toddlers age birth through two years (0-36 months) who are developmentally delayed. As used in this act "developmentally delayed" means children of the chronological age group specified in this section who:

1. exhibit a delay in their developmental age compared to their chronological age of fifty percent (50%) in one, or twenty-five percent (25%) in two or more of the following areas: Cognitive, physical, language and speech, psychosocial development or self-help skills; or

2. have a diagnosed physical or mental condition that has a high probability of resulting in delay. This includes, but is not limited to: Chromosomal disorders, neurological abnormalities, inborn errors of metabolism, genetic disorders, congenital malformation of the brain, congenital infections and sensory abnormalities and impairments or identified syndromes. (70-13-123)

Section 225.4. Administration, Supervision, and Monitoring of Programs and Activities.

A. The State Department of Education is hereby designated as the lead agency for general administration, supervision and monitoring of programs and activities receiving federal funds under Part H of P.L. 99-457 and state funds appropriated for early intervention services.

B. In accordance with Part H of P.L. 99-457 the Oklahoma Commission on Children and Youth shall administer the Interagency Coordinating Council for Early Childhood Intervention which shall advise and assist the lead agency in fulfillment of its responsibilities.

C. The State Department of Education, the Oklahoma State Department of Health, the Department of Human Services, the Department of Mental Health and other publicly funded services shall continue to provide all services within their respective statutory and constitutional responsibilities to the eligible population except as otherwise provided in Section 13-101 of Title 70 of the Oklahoma Statutes. State and local interagency agreements will delineate responsibility for local and regional procedural safeguards, provision of service and related issues. Funds provided for implementation of the Oklahoma Early Intervention Act shall not be used to satisfy a financial commitment for services which would have been paid for or provided by another public or private source, but shall be utilized solely for the enactment of P.L. 99-457 and the Oklahoma Early Intervention Act. Such funds may be used whenever considered necessary to prevent delay in the receipt of appropriate early intervention services by the infant or toddler or family in a timely fashion. Funds provided for implementation of the Oklahoma Early Intervention Act may be used to pay the provider of services pending reimbursement from the agency which has the ultimate responsibility.

D. Pursuant to the requirements of Part H of P.L. 99-457, all financial resources from federal, state, local and private sources shall be coordinated to fund early intervention services. In order to determine the most effective utilization and achieve coordination, a joint funding plan shall be submitted to the Governor, the Speaker of the House of Representatives, and the Senate President Pro Tempore by the State Department of Education, the Oklahoma State Department of Health, the Department of Human Services and the Department of Mental Health on or before October 1, 1989 and on or before September 1 each year hereafter. The individual components of such plan as they relate to individual agencies shall be incorporated annually into each affected agency's budget request in accordance with the provisions of Section 41.29 of Title 62 of the Oklahoma Statutes. Such plan shall include, but not be limited to:

1. utilization of State Aid funds to public schools provided pursuant to Sections 18-109.1 through 18.109.5 of Title 70 of the Oklahoma Statutes for special education services to handicapped children;

2. publicly funded personnel and programs in the State Department of Education, the Oklahoma State Department of Health, the Department of Human Services and the Department of Mental Health who are currently serving the eligible population;

3. feasibility of utilization of federal Title V funds;

4. utilization of new state funds as may be appropriated by the Legislature for fiscal year 1990 for the purpose of early intervention, and of additional new funds needed to fully implement early intervention services in accordance with the State of Oklahoma's implementation of P.L. 99-457;

5. amendments to expansion of the Medicaid State Plan to include early intervention services for eligible children utilizing state funds designated for early intervention for the purpose of matching federal funds;

6. feasibility of application for federal funds appropriated pursuant to P.L. 89-313; and

7. utilization of funds received under Part H of P.L. 99-457. (70-13-124)

Section 225.5. Contract for Services.

A contract shall be entered into between the State Department of Education and the Oklahoma State Department of Health specifying the provision or arrangement of early intervention services by the Oklahoma State Department of Health. Such contract shall include, but not be limited to:

1. a delineation of individual and shared responsibilities for planning, administration and funding, multi-disciplinary evaluations, development of an individual family service plan, service delivery, procedural safeguards and liability of both agencies;

2. specification of the numbers and types of personnel to be provided under the contract; and

3. provisions to be made by the Oklahoma State Department of Health for provision of services not available at a local level and authorization to subcontract with other public or private service providers. (70-13-125)

Section 225.6. Procedural Safeguards.

Procedural safeguards shall be established in fulfillment of the requirements of Section 680 of Part H of P.L. 99-457 through interagency agreements involving the State Department of Education, the Oklahoma State Department of Health, the Department of Human Services, the Department of Mental Health and other publicly funded services as appropriate. (70-13-126)

Section 225.7. Requirements for Payment and Reimbursement.

The legal requirements for timely payment and reimbursement for services under contract pursuant to Sections 41.4a through 41.4d of Title 62 of the Oklahoma Statutes shall govern the services, programs and activities for the State of Oklahoma's implementation of P.L. 99-457. (70-13-127)

Section 225.8. Data Collection and Reporting Requirements.

The data collection requirements concerning handicapped children which are currently utilized by the State Department of Education upon the effective date of this act shall also be utilized to meet the data collection and reporting requirements for the State of Oklahoma under Part H of P.L. 99-457. Further, the Oklahoma State Department of Health, the Department of Human Services and the Department of Mental Health shall fulfill the data collection and reporting requirements established by the United States Department of Education pursuant to Part H of P.L. 99-457 for early intervention services provided by their respective agencies pursuant to the purposes of the Oklahoma Early Intervention Act. The lead agency shall provide technical assistance to the agencies in this endeavor. (70-13-128)

Section 225.9. Implementation.

A. The Interagency Coordinating Council for Early Childhood Intervention shall assist the State Department of Education in revising the Oklahoma State Plan for Special Education to include areas addressing requirements under Part H of P.L. 99-457 necessary for full implementation of this act. Such revision shall be completed by April 1, 1990.

B. Contingent upon the enactment of legislation authorizing implementation of an annual budget submitted which is based upon a joint funding plan provided in Section 4, subsection D of the Oklahoma Early Intervention Act, services in compliance with this act and Part H of P.L. 99-457 shall be in effect no later than July 1, 1990. Subject to such contingency all children eligible for services pursuant to the provisions of Section 3 of this act shall be served beginning July 1, 1991. (70-13-129)

OTHER SECTIONS OF THE LAW RELATING TO HANDICAPPED CHILDREN

ARTICLE V
SCHOOL DISTRICTS AND BOARDS OF EDUCATION

Section 84. Students of Legal Age--Completion of Twelfth Grade.

A. Any person who is of legal age and a resident of Oklahoma, over the age of twenty-one (21) and under the age of twenty-six (26), and who has not completed the twelfth grade in school shall be given the same educational privileges and opportunities provided by law for children over the age of five (5) and under the age of twenty-one (21), upon submitting to the board of education of the school district in which said person resides evidence satisfactory to that board showing that during the time before he was twenty-one (21) years of age he was unable to attend school for a definite period or periods of time because of physical disability, or service in the United States Armed Forces or Auxiliary Organizations, by reason whereof it was impossible for him to complete the twelfth grade before reaching the age of twenty-one (21). Provided, further, said pupil shall be counted in the average daily attendance of the district where he attends school during the period of time provided for in this article for the purpose of calculating State Aid for the district.

B. Any resident of the state who is nineteen (19) years of age or older, who is not enrolled in any high school program, and who has not completed the twelfth grade may attend any adult high school completion program which is established by a school district and approved by the State Board of Education if such attendance has the approval of the district offering the program. Such attendance shall not be counted in the average daily attendance of the district unless the Legislature appropriates monies for adult high school completion programs. Such attendance shall not be counted to meet minimum numbers for accreditation of the school district involved, and such students shall not attend classes which are a part of the normal class structure of the district. (70-5-132)

> Attendance of person before he is 26 years old can be counted in daily attendance only for same number of school days he missed school because of physical disability or military service. August 3, 1962.

ARTICLE VIII
TRANSFER OF PUPILS

Section 161. Grounds for Transfer.

A. The county superintendent of schools shall grant an application for transfer of a child from the district in which he resides to another school district furnishing instruction in the grade he is entitled to pursue if such transfer has the approval of the boards of education of the sending and receiving districts. A student granted a transfer during the 1972-73 school year, or any school year thereafter, may continue to attend the school to which he transferred with approval of the receiving district only, and any brother or sister of such student may attend such school with approval of the receiving district only, provided that this provision shall not apply to emergency transfers or pupils transferred for the purpose of attending classes in special education or a graduating senior in counties having a population of four hundred fifty thousand (450,000) or above, previously legally enrolled in the school district to which he wishes to transfer, or to students with catastrophic medical problems. Provided; however, if the grade such child is entitled to pursue is not offered in the district where such child resides, the transfer must be approved. Provided, a child may be transferred by the State Board of Education to a school district in another state, if the board of education of the school district in which the child resides and the board of education of the high school district in whose transportation area the child resides determines that the best interests of the child will be best served by such transfer. No transfer shall be granted for any reason not hereinbefore specified. No child shall be transferred under the provisions of this article to a school district other than the one designated in the application for his transfer.

B. When a child. . . (70-8-102)

Long continued acquiescence in pupil transfers can preclude District from denying legality of transfers. 553 P.2.d 150

District not required to approve student's transfer merely because transfer of student's brother was approved. 554 P.2d 12

District's refusal to approve pupil's application for transfer to out-of-state school district solely on policy of denying any out-of-state transfer is contrary to law. 380 P.2d 943

"Best interest of child" is not proper ground for transfer. 531 P.2d 335

Fact district does not offer classes in music and band does not authorize transfer on ground district does not offer grade child is entitled to pursue. 513 P.2.d 287

District Court cannot approve transfer on nonstatutory ground. 531 P.2d 335

ARTICLE XVIII
STATE AID

Section 308. Definitions.

A. As used in Sections 18-109.3 and 18-109.4 of this act:

1. "Vision impaired" means a visual impairment which, even with correction, adversely affects a child's educational performance;

2. "Children with learning disabilities" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, written or spoken, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia;

3. "Hearing impaired" means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance;

4. "Economically disadvantaged" means all children who qualify for free or reduced lunches. Provided, for the school year 1981-82, economically disadvantaged shall mean children who qualify and participate in a program for free or reduced lunches;

5. "Educable mentally handicapped" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the development period, which adversely affects a child's educational performance;

6. "Emotionally disturbed" means emotional problems preventing adjustment in regular class including:

a. an inability to learn which cannot be explained by intellectual, sensory or health factors,

b. an inability to build or maintain satisfactory interpersonal relationships with peers and teachers,

c. inappropriate types of behavior or feelings under normal circumstances,

d. a general pervasive mood of unhappiness or depression, or

e. a tendency to develop physical symptoms or fears associated with personal or school problems;

The term includes children who are schizophrenic. The term does not include children who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed;

7. "Gifted" means identified students as outlined in Section 1210.301 of Title 70 of the Oklahoma Statutes;

8. "Multiple handicapped" means concomitant impairments, such as mentally retarded/blind, mentally retarded/orthopedically impaired, and other combinations, the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf/blind children;

9. "Physically handicapped" means a severe orthopedic impairment or an autistic condition which is manifested by severe communication and other developmental and educational problems; or having limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly, and impairments from other causes;

10. "Speech impaired" means a communication disorder, such as stuttering, impaired articulation, language impairment, or voice impairment, which adversely affects a child's educational performance;

11. "Trainable mentally handicapped" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the development period, which adversely affects a child's educational performance;

12. "Deaf/Blind" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind children;

13. "Bilingual" means those students who have limited English speaking abilities or who come from homes where English is not the dominant language as reported on the prior year application for accrediting; and

14. "Special Education Summer Program" means those summer school programs which school districts may provide for children who are severely or profoundly multiple-handicapped if their individualized education program states the need for a continuing educational experience to prevent loss of educational achievement or basic life skills. Any school district receiving funds for such special education summer programs shall provide services as provided in Section 13-101 of this title. Provided, during the 1982-83 school year the State Department of Education shall obtain data related to the number of children who would qualify for summer school special education programs and the number of children who are being served in summer school special education programs.

B. The State Board of Education is hereby authorized to modify and redefine by regulation the definitions set out in this section whenever such modification is required to receive federal assistance therefor. (70-189-109.5)

Section 309. Adjustments and Limitations.

A. If any district, or part of a district, becomes a part of another district by consolidation, annexation, or otherwise, the following procedures shall be followed, except as otherwise provided by law, in calculating aid to the new district or districts so formed:

1. If the action occurs after budgets have been approved by the county excise board and the tax levies approved, the State Aid for the current year shall be calculated for each district as it existed prior to the annexation and prorated to the annexing district or districts on the basis of average daily attendance.

2. If the action occurs prior to approval of the school district budgets by the county excise board, the annexed district shall be merged with the annexing district or districts and State Aid shall be calculated according to the formula provided by this title.

B. Any school district that does not maintain school for a full term shall have its State Aid reduced proportionately unless it has received written approval to maintain school for less than a full term from the State Board of Education. The State Board of Education shall not approve any request to maintain school for less than a full term unless such request meets the requirements of Section 1-109 of this title.

C. 1. If a school district operates a school located in a state institution for pupils of school age, the attendance of such children shall be included in the attendance of such school district for the purpose of calculating State Aid of the district.

2. If a school district operates a school located in a state institution for the pupils of school age residing in such institution, the attendance of such children shall be included in the attendance of such school district for the purpose of calculating State Aid of the district. Provided, such attendance shall not be used for apportioning other miscellaneous revenue; and such school district State Aid shall be paid in the amount of the Foundation Program Aid and Incentive Aid of such school as provided in this title.

D. If a public school district in this state furnishes educational services to a child who resides in a public or private residential child care or treatment facility, the providing school district shall receive from the district in which the child has residence a fee in the amount of the per capita cost of the receiving district for current expenditures for the education of such resident. The amount of the expenditures shall be determined based upon the cost of teachers, equipment, material, and other direct educational costs associated with the education of such child prorated by the number of days the child has been enrolled in the providing district.

Immediately upon beginning to provide such services, the providing district shall send to the district of residence as defined in paragraph 6 of subsection A of Section 1-113 of this title, and to the Finance Division of the State Department of Education, an enrollment form which shall include an estimate of the number of school days such services are to be provided to said child and an itemized estimate of the cost per day of providing said services. The district of residence shall acknowledge receipt of the enrollment form within ten (10) days, notifying both the providing district and the Finance Division. If a dispute is anticipated, the providing district and the district residence shall begin discussion of points in dispute. Immediately upon cessation of the provision of said services, the providing district shall send to the district of residence and to the Finance Division a final attendance report and an itemized claim for payment. Within sixty (60) days of receipt of the claim, the district of residence shall deliver payment to the providing district and both districts shall immediately notify the Finance Division that payment has been made; provided, any unsettled disputes as to the appropriateness of the charges shall be referred within said sixty-day period to the Finance Division for resolution. Only upon verification that the payment has been received by the providing district shall the Finance Division credit to the district of residence the average daily attendance (ADA) of the child for the days the child received services from the providing district. Further, if payment still has not been made within sixty (60) days from the time of resolution of the dispute by the Finance Division or one hundred twenty (120) days from the date of receipt of the original claim, whichever is later, the Finance Division shall settle the matter by withholding the entire amount of the claim from State Aid or other payments otherwise due the district of residence and transmitting such amount to the providing district.

E. Upon determination by the Finance Division of the State Department of Education that a legal residence for a child placed in a public or private residential child care or treatment facility cannot be identified, the district in which the facility is located shall be the district of residence and the average daily attendance of such child shall be credited to such district.

F. If any school district shall fail, neglect or refuse, for any reason whatsoever, to provide special education for a handicapped exceptional child, certified as such by competent authorities and residing in such district, as directed in Section 13-101 of this title, the following is hereby authorized:

1. Such child shall be entitled, upon petition by the child's parent or guardian, without consent or approval of the school district not providing special education, to transfer to any adjacent or nearby school district which will accept the handicapped exceptional child and provide the special education which such child is entitled to receive. The school district in which a child transferring under this section resides shall pay to the district receiving and educating such child, as tuition, a special education transfer fee as provided in paragraph 2 of this subsection. Provided the average daily attendance of such child shall be credited to the home district of such transferee.

2. The special education transfer fee shall be the per capita cost of the receiving district for current expenditures for the special education of such handicapped exceptional child based upon the cost of teachers, equipment, material, and special costs associated with the special education class.

3. It shall be the duty of the school district from which such handicapped exceptional child transfers to appropriate and pay such special education transfer fee to the district which receives and educates such child. If a school district owing such special education transfer fees shall fail, neglect or refuse for any reason whatsoever to appropriate and pay such special education transfer fees, then the school district is entitled to receive such fees shall certify such fact to the Finance Division of the State Department of Education. Upon receipt of such certification, the Finance Division shall deduct the amount of the special education fee from any State Foundation Program or Incentive Aid otherwise due the sending district and transmit such amount to the receiving district.

4. The sending school district shall also be obligated to pay the special education transfer fee whenever it has transferred a student to another school district for purposes other than to acquire special education, but where the student is subsequently found to require such special education, is determined to be eligible by the Special Education Division of the State Department of Education, and is placed in an appropriate special education program by the receiving school district. For purposes of this paragraph, the special education transfer fee shall be as provided by paragraph 2 of this subsection, prorated by the receiving school district according to the number of days the student has been enrolled in the special education program. (70-18-110)

> District may maintain school for less than a full term if conditions exist which make maintenance impossible, but district's State Aid must still be reduced if it does not meet requirements of a full school term. November 26, 1980 (AG Op. No. 80-243)

ARTICLE XII
MISCELLANEOUS

Section 705. Deaf Children--Special Education.

A. It shall be the right of every child who is deaf or so hard-of-hearing that he cannot participate in the regular school program to receive an appropriate education at the expense of the State of Oklahoma. It shall be the duty of every school district to seek out and identify every such child between the ages of two (2) and twenty-one (21) at the earliest possible age under procedures to be prescribed by regulations of the State Department of Education. It shall be the duty of every parent or other person having custody of such child to cause such child to be enrolled in and attend a school which provides special education for such deaf children.

B . The State Department of Education may establish educational programs for preschool deaf and hard-of-hearing children by regional education service centers. Such programs shall serve preschool deaf and hard-of-hearing children from the age the hearing impairment is detected by a licensed physician or audiologist. Such programs shall also include a course of instruction for the parents of deaf and hard-of-hearing children. (70-1210.171)

Section 706. Enforcement of Preceding Section.

The duties of the school district under the preceding section shall be enforced by the State Department of Education through orders issued after a hearing upon due notice to such district. (70-1210.172)

THE STATE BOARD OF EDUCATION
REGULATIONS FOR ADMINISTRATION AND
HANDBOOK ON BUDGETING AND BUSINESS MANAGEMENT

Bulletin No. 145-X
1988-89

SPECIAL EDUCATION TRANSFERS

a. Regular Special Education Transfers:

In order that a child, identified pursuant to the provisions of Title 70 O.S. § 13-101 may be transferred, a written application for such transfer, designating the district to which the transfer is desired, shall be made by either of his parents, or by his guardian, and such application shall be filed with the county superintendent of schools for transfers to school districts in the State of Oklahoma and with the State Board of Education for transfers to school districts in another state not later than May 15, preceding the school for which the transfer is desired. The county superintendent of schools shall notify, no later than May 25, the clerk of the board of education of the district from which the transfer is proposed to be made and the clerk of the board of education of the district to which the transfer is proposed to be made. The notices of the application for transfer shall so state that the board of education, from which the transfer shall so state that the board of education, from which the transfer is proposed, shall submit information as required by State Board of Education Policies and Procedures Manual for Special Education in Oklahoma for the delivery of Special Education Services for each identified handicapped child and that on or before June 5, the board of education of either district affected by the proposed transfer shall have an opportunity to show cause, if any, why the transfer should or should not be granted. This information will include (1) a current individual evaluation, (2) a categorical eligibility statement and (3) a current Individualized Education Program (IEP). The county superintendent of schools shall, not later than June 15, notify, in writing, the clerk of each board of education affected as to whether or not the transfer has been granted. Provided that at any time before June 20, the board of education of either district or the parent or guardian of the child may appeal, in writing, from the action of the county superintendent of schools to the district court of the county in which the child resides, and such appeal shall be heard, and a decision rendered thereon not later than June 30, and such decision shall be final.

b. Emergency Special Education Transfer:

A written application for an emergency special education transfer for a child, identified pursuant to the provisions of Title 70 O.S. 1981 § 13-101, designating the district to which the transfer is desired shall be made by either the parent or guardian, and on an adequate showing of emergency based on information as required by State Board of Education Policies and Procedures Manual for Special Education in Oklahoma for the delivery of Special Education Services for each identified handicapped child. This information will include (1) a current individual evaluation, (2) a categorical eligibility statement and (3) a current Individualized Education Program (IEP) and shall be submitted to the county superintendent who may make and order a transfer, subject to approval by the State Board of Education.

c. Cancellation of Regular or Emergency Special Education Transfer:

A transfer made may be cancelled with the concurrence of the board of the receiving district, and a retransfer granted. Also, on affidavit of parent or guardian, or of the school board of the transferring district, disclosing removal of residence from the transferring district, a transfer previously made may be cancelled. Cancellation of special education transfers are subject to the rules and regulations of the State Board of Education and the procedural due process requirements outlined at 20 U.S.C. 1415, of the Education for Handicapped Children's Act.

d. Residence of Child--Attendance in Transportation Area:

Any child, identified pursuant to the provisions of Title 70 O.S. 1981 § 13-101, residing in a school district in the State of Oklahoma that does not offer the grade such child is entitled to pursue shall be entitled to attend the school of the school district in the transportation area in which such pupil resides that offers the grade he is entitled to pursue.

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